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SUPPLEMENT

TO THE

Genealogical History of *The Stewarts,*

WITH

CORRECTIONS AND ADDITIONS:

AND CONTAINING

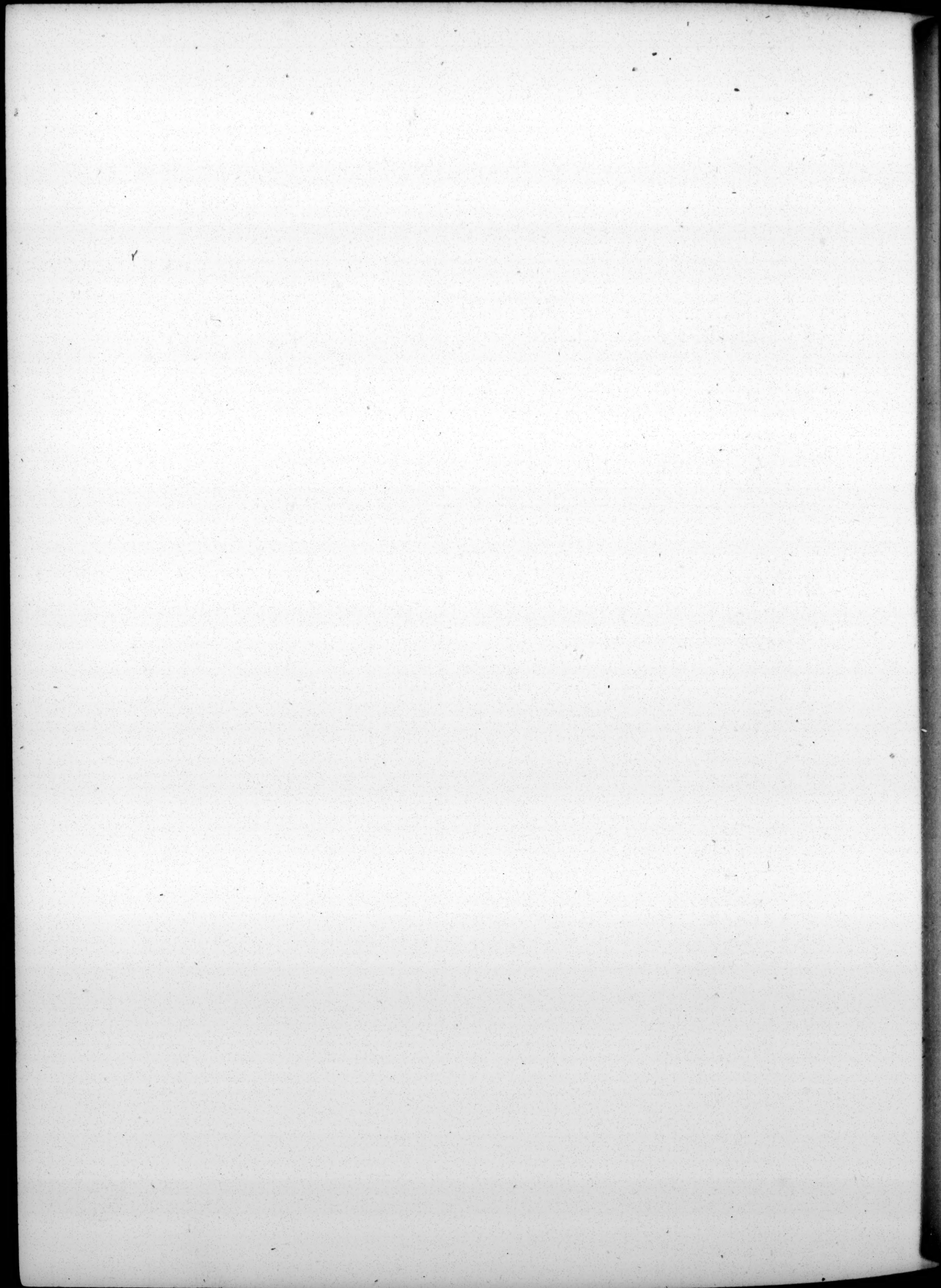
ANSWERS to an Anonymous Attack on that History, published at
Edinburgh in February 1799, under the Title of "*The Genealogical
History of the Stewarts refuted.*"

By ANDREW STUART, Esq. M. P.

L O N D O N:

PRINTED FOR T. CADELL JUN. AND W. DAVIES, IN THE STRAND.

1799.



C O N T E N T S.

CORRECTIONS,	<i>Page</i> 1—4
ADDITIONS—reasons for publishing them, - - - - -	5—6
OBSERVATIONS, made in November 1794, upon the Papers drawn up by Mr. Williams about that time, on behalf of the Earl of Galloway, for correcting Mr. Williams's errors and misstatements, - - -	6—33
MEMORIAL concerning the Pedigree of Sir William Stewart of Jedworth, the paternal ancestor of the Earl of Galloway, - - - -	33—44
ANSWERS to the statements and arguments contained in an Anonymous Publication called "The Genealogical History of the Stewarts refuted,"	44—106
The Object of the Genealogical History explained - - -	45—46
The Necessity for printing the Papers formerly communicated to Mr. Williams, - - - - -	46
Four material Objections to the Earl of Galloway's claim, -	47—49
Mr. Williams's Answers to these Objections, - - -	49—52
Result of the Objections and Answers, - - - - -	52
Attempts by Mr. Williams and the Anonymous Author to make it be believed, that Sir William Stewart of Jedworth was the same person as Sir William Stewart of Castelmilk, and that he possessed both these estates, - - - - -	52—53
Suppositions for making Sir William Stewart of Jedworth's age correspond with that of a son of Sir Alexander Stewart of Dornieley, -	54
Conjectures, reasonings and facts artfully blended together, -	54—56
The imaginary imprisonment of Sir William Stewart of Jedworth in the Tower of London, - - - - -	57
Refutation of that supposition, - - - - -	57—59
Instances of misrepresentation of evidence, - - - -	59—65
Account given by the Anonymous Author of the expedition to France and of the persons embarked in it, - - - - -	65—72
Concerning the inaccuracy in William Urry's Resignation, 1409, -	72—73
	Unfair

Unfair representation of what had been said concerning the Cartulary of Paisley in which Urry's Resignation is inserted, - -	73—75
Examination of the arguments and inferences from the mention of a John Stewart of Castelmilk in William Urry's Instrument of Re- signation, - - - - -	75—86
Fallacy of what is contended for by Mr. Williams and the Anonymous Writer, respecting the father of Walter Stewart of Arthurly, -	86—90
Answer to the imputation of having differed from all the Genealogical Writers with respect to the Pedigree of the Earl of Galloway, -	90—93
Rise and Progress of these Genealogical Inquiries, - - -	93—95
Conduct of the Castelmilk Family towards the Earl of Galloway in the course of the Competition, - - - - -	95—98
The Anonymous Author said to be employed by the Earl of Galloway —but deemed incredible, - - - - -	98
Specimen of the Style and Spirit of the Anonymous Book, -	100—105
Concerning the Genealogical Sketch of the House of Bonkyl, -	106

CORRECTIONS AND ADDITIONS,

MADE IN THE MONTH OF JUNE 1799,

AS A

S U P P L E M E N T

TO THE

GENEALOGICAL HISTORY OF THE STEWARTS.

PAGE 51, last line, at the end of the quotation from Symson, add the following note :

From the manner in which Symson has expressed himself, it is evident that his only authority for supposing that Sir John Stewart of Bonkyl had Sir Hugh and Sir Robert for his 6th and 7th sons, was a passage in Holinshed's Chronicle of Ireland, anno 1318. But on looking at the passage referred to, it appears that it relates to Sir Hugh and Sir Robert Laceys, not to Sir Hugh and Sir Robert Stewarts. — Vide Holinshed's Chronicle, anno 1318, and the following note.

Page 61, after line 17, add the following note :

This is the passage in Holinshed's Chronicle from which Symson had very inaccurately imagined that the names of Sir Walter, Sir Hugh and Sir Robert, mentioned immediately after the words "*Lord Alan Stewart*" "*with his three brethren,*" were meant to describe the names of these three brethren of Sir Alan Stewart; but on reading the whole of the paragraph it will appear that this was a gross mistake on the part of Symson; for what

B

Holinshed

Holinshed meant to say with regard to Sir Alan Stewart and his family, ends with the words "*his three brethren*;" he did not pretend to give a name to any of these three brothers: and the next sentence beginning thus, "*Sir Walter and Sir Hugh, Sir Robert and Sir Amery*," relates, in the most clear and precise manner, to persons of the name of Lacey. If it were possible to entertain any doubt of this being the meaning of the passage in Holinshed, that doubt would speedily be dispelled by looking at the Annals of Ireland published by Camden, and subjoined to his Britannia. These Annals, in relating the events of the years 1317 and 1318, make frequent mention of the persons of the name of Lacey; particularly there are the following articles:

" On the Thursday next before the feast of St. Margaret, [1317,]
 " Hugh and Walter Laceys were proclaimed felons and traitors to
 " their king, for breaking out into war against his Majesty."

" Item, on Saturday, which happened to be the feast of Pope Calixtus,
 " [1318,] a battle was fought between the Scots and English of Ireland,
 " two leagues from Dundalk; on the Scots side there were Edward Lord
 " Brus, who named himself King of Ireland, Philip Lord Moubray, Walter
 " Lord Sules, *Alan Lord Stuart with his three brethren*; as also, Sir Walter
 " Lacey, and Sir Robert and Aumar Lacey, John Kermerdyne and Walter
 " White, with about 3000 others. Against whom, on the English side,
 " there were the Lord John Bermingham, Sir Richard Tuit, Sir Miles
 " Verdon, Sir Hugh Tripton, Sir Herbert Sutton, Sir John Cusack, Sir
 " Edward and Sir William Bermingham, and the Primate of Armagh, who
 " gave them absolution; besides, Sir Walter Larpulk and John Maupas,
 " with about 20 more choice soldiers and well armed, who came from
 " Drogheda. The English gave the onset, and broke into the van of the
 " enemy with great vigour; and in this encounter the said John Maupas
 " killed Edward Lord Brus valiantly, and was afterwards found slain upon
 " the body of his enemy. The slain, on the Scots side, amounted to
 " 2000 or thereabouts; so that few of them escaped besides Philip Lord
 " Moubray, who was also mortally wounded, and Sir Hugh Lacey, Sir
 " Walter Lacey, and some few more with them, who, with much ado,
 " got off."

In

In transcribing the above passage from the Annals of Ireland, the sentences and punctuation are literally copied. There cannot be a doubt that it relates to the same persons as those mentioned in the quotation from Holinshed; neither can there be a doubt that the names of Sir Walter, Sir Hugh, Sir Robert and Sir Amery, had nothing to do with Lord Alan Stewart and his three brethren; but that they relate all of them to persons of the name of Lacey. It is believed that Holinshed in composing his Chronicle of Ireland made use of these annals: at any rate, the similar account given in both concerning the Laceys, establishes the meaning of the paragraphs beyond the reach of dispute.

The result upon the whole is this,—that there is no authority whatever for supposing that Sir John Stewart of Bonkyl ever had two sons of the names of Hugh and Robert; for the first introduction of these sons into the pedigree of the Bonkyl family, took rise from a mistaken interpretation by Symson of a paragraph in Holinshed. No historian or genealogical writer before Symson, so far as I have been able to discover, ever mentioned these two sons; and those who have since mentioned them have done it with a reference only to his authority.

It is further to be remarked that Symson himself seemed to doubt of the reality or existence of these two sons, Hugh and Robert; for the only article concerning them in his book is in these words: “6th and 7th sons, Sir Hugh and Sir Robert, mentioned by Holinshed in his Chronicle of Ireland, anno 1318.”—then Symson adds, “*whose then existence I am not to defend.*”—This plainly shews that he disbelieved it.

Page 199, after line 12, add:

In Camden's Britannia, page 919, of Gibson's edition, there is the following article concerning Bernard Stuart. “Of the line of the Lords of Aubigny in France there was Bernard or Everard, under Charles the 8th, and Lewis the 12th, transmitted to posterity by Paulus Jovius, with much commendation for his valiant performances in the war of Naples. He was a most faithful companion of Henry 7th, when he came for England; and used for his device a lion between buckles, with the motto “*Distantia jungit,*” because by his means the kingdoms of France

“ and Scotland so far distant were joined together by a strict league of
“ friendship.”

Page 206, line first, add the following note :

There is reason to believe, that the two persons here referred to as kinsmen of Bernard Stuart, were his cousins Robert Stuart, afterwards Maréchal of France, and John Duke of Albany, afterwards Regent of Scotland ; both of whom served under Bernard Stuart in the wars in Italy.

Page 290, end of line 3 from the bottom, add the following note :

Sallust (Cap. 4. Bellum Jugurthinum) observes, that the Fabii, the Scipios, and other great men of the Republic, declared that nothing elevated their minds more to virtue than the sight of the portraits of their ancestors; for these recalled to their memory the great actions they had performed, and inflamed their breasts with the love of glory, which nothing could extinguish till they had equalled the justly acquired honours of their forefathers.

Mr. Lumisden, in his remarks on the Antiquities of Rome, (a work which, from the classical knowledge it contains, as well as from the author's knowledge of Antiquities, is well qualified to afford both instruction and entertainment as to the manners and taste of the Romans,) observes, “ that
“ it was in the atrium of their houses that the Romans who had acquired the
“ jus imaginis, which was the same with the jus nobilitatis, placed their
“ own and their predecessors images that they might be seen by the
“ people.”

A D D I T I O N S.

THE following Additions have been judged proper, in consequence of a Book or Pamphlet which has lately been published, intituled " The Genealogy of the Stewarts Refuted, in a Letter to Andrew Stuart Esq. M. P." This work consists of 169 pages, bears the date of London, 1st February 1799, and appears to have been printed at Edinburgh, but the name of the Author has been concealed.

It is very generally allowed, that anonymous publications, and especially those which contain direct or indirect attacks on Individuals, are not only degrading to the nameless Authors when detected, but are little deserving of an answer, and are not entitled to any credit from the public.

But there are reasons which render it proper to take some notice of that publication in these Additions.

I shall pass over at present, the style and temper of the work in question, and shall, in the first place, endeavour to clear up any doubts that may be entertained concerning the pretensions of the Earl of Galloway, which the Anonymous Author seems inclined to support, resting, as he does, on the reasonings of Mr. Williams, on whom he has lavished considerable praise.

Mr. Williams communicated to me, above four years ago, several long and elaborate papers made out by him, on the subject of Lord Galloway's claim; which papers both Lord Galloway and Mr. Williams wished me to consider, and to make them acquainted with my opinion upon them. After I had read them attentively, I submitted to the labour and fatigue of correcting his erroneous statements, and of disproving his conjectures and false reasonings; and I communicated my observations to Mr. Williams himself, with permission to take a copy for Lord Galloway's use and his own; which I have no doubt he did.

It is evident that the Author in question has been furnished with Mr. Williams' papers ; but whether or not my observations upon them were also communicated, it is impossible for me to say ; if they were, the work in question will be exposed to the greater censure. I certainly expected that I should have heard no more of the works of Mr. Williams, unless by his making a fair acknowledgment that he was convinced of his errors. — As he has not done so, and as his facts and arguments are again brought forward from another quarter, and with an air of triumph, I think it right to give now, as an addition to the Genealogical History, an exact copy of my Observations made out in 1794, and communicated to Mr. Williams in November of that year.

OBSERVATIONS upon the Papers drawn up by Mr. Williams on the behalf of the Earl of Galloway.

SINCE the month of February last 1794, Mr. Williams has drawn up four several Papers in support of the Earl of Galloway's claim, for proving that he is, after the death of Cardinal York, the nearest heir male descended from the Stewarts of Derneley and Lennox, and of course the nearest heir male from the Ancient High Stewarts of Scotland.

The Papers thus drawn up by Mr. Williams are under the following Titles :

1. Notes on the State of the Evidence respecting the Stuarts of Castlemilk : 32 pages.
2. An impartial Examination of the different Accounts given of Sir William Stewart of Jedworth and Sir William Stuart of Castlemilk : 52 pages.
3. A view of the Evidence adduced for proving that the present Earl of Galloway is the Lineal Heir Male and Representative of Sir William Stewart of Jedworth, who lived near the Conclusion of the 14th and the Beginning of the 15th Century : 29 pages.

4. Extracts

4. Extracts from Ancient Charters, Authentic Records and Cotemporary Historians, tending to elucidate the most remarkable Events in the Life of Sir William Stewart of Jedworth : 90 pages.

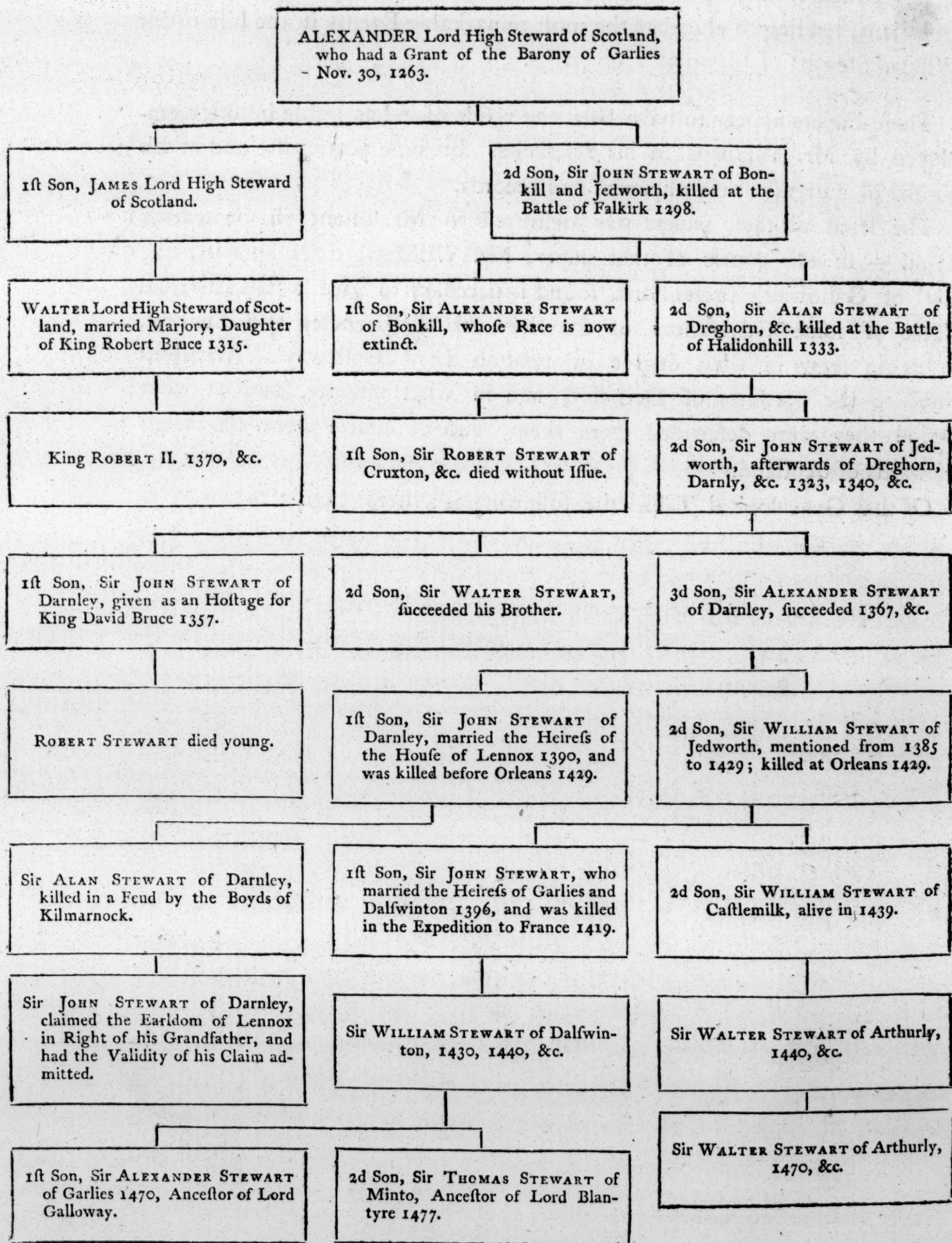
These Papers appear to have been the result of indefatigable industry employed by Mr. Williams in his researches for some years past, and in his perusal of a great variety of papers and records.

The latest of these papers was delivered to Mr. Stuart in September 1794. — In the course of that paper, Mr. Williams, for supporting the Earl of Galloway's pretensions, found it necessary to give a Genealogical Table of some Generations of the Stewarts of Derneley and Lennox, so as to shew in what degree of relation Lord Galloway's Ancestors stood to the Stewarts of Derneley, and in what manner, and at what period they were descended from them, and of course from the High Stewards of Scotland.

Of that Genealogical Table, the following is a literal Copy :

DESCENT

DESCENT of the FAMILY of DARNLEY, &c.



There is no hesitation in admitting, that if this genealogical table drawn up by Mr. Williams is perfectly accurate, and capable of being supported by proofs, the Earl of Galloway must be the undoubted heir male of the Stewarts of Derneley and Lennox, and likewise of the High Stewarts of Scotland : but it could serve no purpose to admit facts which will not stand the test of examination, and which every person who has investigated the history of these families, or who may be disposed to do so at any future time, would find himself obliged to reject, as founded in error, or proceeding from conjectural reasonings, in opposition to established facts.

The first seven articles in Mr. Williams's genealogical table, beginning with Alexander the High Stewart, anno 1263, and ending with Sir Alan Stewart of Dreghorn, anno 1333, are perfectly right ; but every article from that period downwards is erroneous, or at least by far the greatest part of them are so.

To begin from Sir Alan Stewart of Dreghorn, who was killed at Halidon-hill, in 1333 : Mr. Williams states that he had two sons ; the eldest, Sir Robert Stewart of Cruxton, said to have died without issue ; and the second, Sir John Stewart of Jedworth, afterwards of Dreghorn, Derneley, &c. The fact is, that Sir Alan Stewart never had a son of the name of Robert ; and that his only son, Sir John Stewart of Derneley, never at any period was designed of Jedworth.

To proceed to the next generation.—Mr. Williams supposes that there was a second Sir John Stewart of Derneley, who was grandson to Sir Alan Stewart ; and that this second Sir John Stewart had for his two brothers Walter and Alexander Stewart : but the fact is, that there was no Sir John Stewart, grandson of Sir Alan, who ever came to the possession of the estate ; but that Walter and Alexander were brothers of the first Sir John Stewart, who was the immediate son of Sir Alan Stewart.

Mr. Williams's next supposition is, that Sir Alexander Stewart of Derneley, the youngest of the three brothers, succeeded in the year 1367, upon the death of his two elder brothers without issue ; and that this Sir Alexander Stewart was the immediate father of Sir John Stewart of Derneley, who was killed during the siege of Orleans in 1429 : but this is quite erroneous, for there were two Sir Alexander Stewarts, father and son, and it

was the last of these Alexander Stewarts who married Janet Keith ; and of that marriage descended Sir John Stewart of Derneley who was killed in the year 1429, during the siege of Orleans, and likewise his brother Sir William Stewart who was killed in the same battle.

The next fact assumed by Mr. Williams is, that Sir Alexander Stewart, who succeeded in 1367, had for his first son Sir John Stewart of Derneley, and for his second son Sir William Stewart of Jedworth ; and that this Sir William Stewart of Jedworth lived till the year 1429, and was then killed during the siege of Orleans.

If this last-mentioned fact were true, it would serve completely to establish the preference due to Lord Galloway's pretensions ; because it is a certain fact, that Sir William Stewart of Jedworth was Lord Galloway's ancestor, from whom he is descended in the direct male line ; and if it were equally true, that this Sir William Stewart of Jedworth was the brother of Sir John Stewart of Derneley who was killed in France in the year 1429, and from whom the only male descendant now alive is Cardinal York ;— then it must follow, that the descendant from Sir William Stewart, the brother of Sir John, must now be the undoubted heir male of the family.

It becomes therefore a point of essential importance in the present discussion, to ascertain the fact, whether Sir William Stewart of Jedworth, who was sometimes designed of Jedworth and at other times of Teviotdale, and at other times *de Forresta*, was really the son of Sir Alexander, and the brother of Sir John Stewart of Derneley, the first Lord of Aubigny in France, who was killed in that country in the year 1429, during the siege of Orleans ; and whether this Sir William Stewart was the same person with that Sir William Stewart who certainly was killed in the same battle with his brother Sir John Stewart.

From the facts and proofs which are now to be stated, and which are totally adverse to the above suppositions, it will appear, that Sir William Stewart of Jedworth could not possibly be the son of Sir Alexander, and the brother of Sir John Stewart of Derneley ; and that he could not be the Sir William Stewart who was killed during the siege of Orleans ; for the following reasons :

First, Because Sir William Stewart of Jedworth was taken prisoner by the English at the battle of Homildown, in the year 1402, and soon thereafter was tried, condemned, and executed in England.

Secondly, Because the age and circumstances which are known to have related to Sir William Stewart of Jedworth, are totally irreconcilable with any idea of his being the son of Sir Alexander Stewart of Derneley, or the brother of Sir John Stewart of Derneley, the constable of the Scots army in France.

PROOFS *in favor of the* FIRST PROPOSITION.

THE history of Sir William Stewart of Jedworth is very well known. He was certainly a great warrior, and a very eminent and distinguished person in his time; and there are few men who lived in that remote period concerning whom more traces are to be discovered from the records and histories of those times.

From the public records in Scotland it appears that the following charters or grants were made in his favor towards the close of the 14th century; to wit,

1. Charter, dated at Linlithgow, the 2d of July, 1385, by King Robert II. granting "Dilecto et fidelissimo suo Willielmo Stewart de Jedwith terras de Synlawys cum pertinentiis in baronia de Oxynham infra vicecomitatum de Roxburgh, quæ fuerunt quondam Thomæ de Rydall, et quæ nos contingunt ratione feris facturæ ejusdem Thomæ ad pacem et fidem regis anti hac defuncti."

2. Charter by King Robert III. dated 4th January 1391, confirming a charter dated 8th December 1390, granted by John Turnbull of Minto, of the lands or dominium of Minto, in favor of Sir William Stewart of Jedworth, knight, therein designed "Nepos" of John Turnbull of Minto, the granter of the Charter; by which he granted the lands in favor of Sir William Stewart, thus designed "Domino Willielmo Senescallo de Jedworth, militi, nepoti meo."

3. On the 27th of March 1392, King Robert III. conferred on Sir William Stewart a grant of forty merks sterling as a reward for his loyalty, attachment, and distinguished services to the King, and to his eldest son David Earl of Carrick and Duke of Rothesay. — The words are, “ dilecto et “ fideli nostro Willielmo Senescallo de Jedworth, militi, pro servitio suo et “ speciali reverentiâ suo nobis, et David Senescalli primogenito nostro.”

4. On the 8th of November 1391, the same King Robert III. granted to Sir William Stewart of Jedworth, the estates and lands of George Abernethy in the village of Minto, then in the Crown by reason of his forfeiture. The words in the Charter contain a grant by his Majesty, “ Dilecto et fideli nostro Willielmo Senescallo de Jedworth, militi, de omni- “ bus terris et tenementis quæ fuerunt Georgii de Abernethy in villa de “ Myntaw,” &c. The date is “ apud Irvyne, octavo die mensis Novembris “ anno regni nostri secundo,” which must have been in November 1391, as Robert succeeded to the Crown in April 1390.

This is a mis-
take in refer-
ring to No.
4895. The ar-
ticle is in No.
4609, page
132, No. 61
thereof, rela-
tive to Rolls
of Robert III.
marked F.

5. In an Inventory of Scottish Charters preserved among the Harleian Manuscripts at the British Museum N^o 4895, an entry is made of “ A Charter by Archibald Earl of Douglas, son-in-law to the King, to “ William Stewart of Teviotdale, or of Jedworth, of the lands of Aber- “ corne, and Castle thereof, blenche.” As this deed is among the Char- ters that have been unfortunately lost or mislaid, and as no particular date is mentioned, it is difficult to assign the precise period when it was executed.

6. Upon the 31st of August 1395, King Robert III. granted a Charter to the Monks of Melros, remitting to them and their successors certain tolls and customs, &c. To this Charter Sir William Stewart of Jedworth was one of the witnesses; but he is therein described as *Sir William Stewart of Tevi-dale*, “ Willielmus Senescallus de Tevi-dale, miles.” This Charter is in the Chartulary of Melros, which is preserved among the Harleian Manuscripts at the British Museum, N^o 3960.

7. Upon the 17th of October 1396, Sir William Stewart of Jedworth entered into a contract with Sir Walter Stewart of Dalswinton, in which he engaged that his son and heir should marry Marion Stewart, the daughter and apparently the sole heiress of Sir Walter. In this contract, Sir Wil-
liam

liam Stewart is not designed of Jedworth, but is styled *Sheriff of Teviotdale*, without any other designation.

8. Upon the 30th of October 1394, Richard II. King of England, granted letters of safe-conduct and protection to the Ambassadors from Scotland, when commissioned by the King of Scotland to meet the English Ambassadors to adjust the terms of a truce. From these letters, which are published in Rymer's *Fœdera*, vol. 7. page 785. it appears that Sir William Stewart of Jedworth, Knight-banneret, was one of these Ambassadors from Scotland. — The other Ambassadors were, the Bishops of St. Andrew's and Glasgow, the Earls of Carrick, of Douglas, and of March, &c.

9. On the 1st of October 1397, there was a commission directed by Robert King of Scotland "dilectis et fidelibus suis Willielmo Senescal de Jedworth, et Johanni de Romergny, militibus, ac Adæ Forrester et Patricio de Lumley," appointing them, or any three or two of them, his Deputies and Special Commissioners to meet with Richard his adversary in England, or with his Deputies and Commissioners, for fixing the time and place for settling certain disputes between the two kingdoms.

1397,
October 1st.
Rymer's *Fœd.*
vol. 8. p. 17.

10. On the second of October 1397, an Indenture was drawn up at the Abbey of Dumfermline, betwixt Sir William Stewart, Sir John of Romergny, Knights, Adam Forrester and Patrick Lumley, Esquires, on the part of Scotland, and the Ambassadors and Commissioners of the King of England; by which it was agreed, that a day should be held at Reddenburn, Carham, or Handenstank, on Monday the 11th day of March then next, betwixt the Earl of Carrick, &c. for the part of Scotland, and the Duke of Guyenne and Lancaster, &c. for the part of England, to redress all trespasses done by sea and by land against the form and tenor of the truce taken at Lollingham in the year of our Lord 1388.

1397,
October 2d.
Rymer's *Fœd.*
vol. 8. p. 18.

11. On the 16th of March 1398, there was an agreement, entitled "Indentura Treugarum Scotiæ," entered into at Handenstank between "David eldest son of the King of Scotland, Comte de Carrick &c. Commi et Deputé de Roi d'Ecosse, d'une part, et Jean fils du Roi d'Angleterre, Duc de Guyenne et Lancaster, Commi et Deputé de Roi Angleterre, d'autre part." Which Indenture witnesseth, "Que les dits Commis et Deputés du Roi d'Ecosse

1398,
March 16.
Rymer's *Fœd.*
vol. 8. p. 35.

“ d'Ecoffe ont ordonné leurs Deputez Monsieur William Lindefay, William
 “ Steward, Joan de Romergny, Chevaliers, et Adam Forrester ; et les
 “ dits Commis et Deputés d'Angleterre ont ordonné leurs Deputés
 “ Monsieur Gerrard Heron, Thomas Gray de Horton, Jean de Fenwick,
 “ Chevaliers, et Jean Mitford pour performer leur ordonnance en
 “ maniere qui s'enfuit,” &c.

1398,
 October 26.
 Rymer's Fœd.
 vol. 8. p. 54.

12. On the 26th of October 1398, there was a Convention at Handenstank, styled “ Conventionis Supertreugas Scotiæ,” between Sir William of Borthwick, Sir John of Romergny, Knights, and Adam Forrester, Esquire, Commissioners of an high and mighty Prince the King of Scotland, on the one part, and Sir John Buffie, Sir Henry Græme, Knights, Mr. William Fereby, Clerk, and Lawrence Drew, Esquire, Commissioners of a high and mighty Prince the King of England, on the other part ; by which Convention several particulars were agreed to about the mutual delivering up of prisoners and ransoms, &c. — Then follows a clause in these words :

“ To the fulfilling of the which, the Earl of the March, the Warden of the
 “ East March of Scotland, is obliged by his letter to Sir Henry Percy,
 “ Warden of the East March of England ; and the said Sir Henry is obliged
 “ by his letter to the said Earl, either for his bounds against the other ;
 “ and Sir Richard of Rutherford, Sir William Stewart, Knights, Walter
 “ Scott, Thomas Turnbull, and Robert of Lauder, are Burrows for the
 “ Earls bounds of Douglas of the Middle March ; and Sir Thomas Gray of
 “ Heaton and Sir Thomas Gray of Horton, Knights, Robert Umfraville,
 “ John of Midford, and Thomas Knayton, are Burrows for Sir Henry
 “ Percy's bounds for the East March,” &c.

1398,
 October 28.
 Rymer's Fœd.
 vol. 8. p. 57,
 58.

13. On the 28th of October 1398, there was a Convention between Sir William of Borthwick, Sir John of Romergny, Knights, and Adam Forrester, Esquire, Commissioners of a high and mighty Prince the King of Scotland ; and Sir John Buffie, Sir Henry Græme, Knights, Master William Fereby, and Lawrence Drew, Esquire, Commissioners of a high and mighty Prince the King England, which narrates several particulars that were under their consideration ; and one of these relating to Sir William Stewart was expressed as follows :

“ Item,

“ Item, Sir Philip of Stanley, Captain of Roxburgh, gave a bill playn-
 “ and of the Erle’s son of Douglas, and fundry men in the company with
 “ him, of the which Sir William Stewart was one, that they hadd broken
 “ the brig of Roxburgh, brynnte theire towne and spulyit that, broken
 “ thair walles, and brynt thair hay and yair fuel, to thair scathes of twa
 “ thoufand pund.”

“ And forethy the said Sir William was presente on the feylde he was
 “ constreynit ’till answer tyll the said complaynt ; to the quhilk he answerit,
 “ sayand, that the breyking of the brig, the brynning of the hay and fuel, his
 “ Lord did of purpose, thynkand that he might do that lawchfully nocht
 “ agayne stand and the trewis forethy that all was and is Scots mennys
 “ heretage. Nevertheless ghwethir it be fuley justifiabie ore nocht he
 “ cannocht say, bot gif it beys determynit be the Commissaires ane at-
 “ temptate agayne the trewis it fall be amendit as it aw to be.

“ The brenning and the spretting of the towne he graunts till amende
 “ as a thinge done agayne his Lordes defense, and also agayne the trewis.”

“ The quhilk answer herd the said Commissaries has referrit the know-
 “ ledge of this article to their Lordes for the heynefs of the matter.

The final determination of the above-mentioned dispute appears thus to have been referred by the Deputies to the principal Commissioners. — Neither does it appear that the establishment of the truce had been thereby interrupted ; for in that same year (1398) sureties were mutually given on the part of England and of Scotland. The truce then established between England and Scotland expired at Michaelmas 1399 ; and the Scots took that opportunity of making inroads into Northumberland, where they took the Castle of Wark, which they utterly demolished, and made great ravages in Northumberland. While they were thus employed in Coquetdale in Northumberland, they were attacked by Sir Robert Umfraville, the Chief Lord of that district, at a place called Fulloplaw, in which conflict Sir Richard Rutherford and his five sons were taken prisoners, also John Turnbull, surnamed “ Out with the Sword,” Sir William Stewart, and many others.

Redpath’s
 Border His-
 tory, p. 367.

Though

Though Sir William Stewart is not here particularly designed, it is probable that it was Sir William Stewart of Jedworth who was taken prisoner in 1399.

The next mention we have of Sir William Stewart of Jedworth is in the year 1402, when he was taken prisoner at the battle of Homildown in Northumberland, where Archibald Earl of Douglas commanded the Scots army, and the Earl of Northumberland with his son Henry Percy, commonly called Hotspur, assisted by George Dunbar Earl of March, commanded the English forces, which were victorious. At this battle, fought on the 14th of September 1402, Sir William Stewart of Jedworth was taken prisoner, and at the instance of Hotspur Percy was tried, condemned, and executed, though he very ably pleaded his own cause, and had been acquitted by the first juries appointed to try him *. A very particular account of this is given in the *Scoti-Chronicon*, vol. 2. page 434. where, after relating the particulars of that famous battle, the Author gives a very precise account of what related to Sir William Stewart, in the following words :

*Scoti-Chroni-
con, vol. 2.
page 434.*

“ Captus ibi fuit valens miles, et inter sapientes primus, Dominus Willielmus Stewart de Foresta; et coram Domino Henrico Percy juniore, de traditione falso adjudicatus, pro eo quod, cum puer esset, antequam Thevidalia venit ad pacem Regis, ipse, sicut ceteri de patria, Anglicatus erat, et de necessitate. De hoc acrius accusatus, sed sagaciter sua propria peroratione defensus, tres Anglorum assisas tanquam immunis evasit. Sed et dictus Percy, qui Hotspur dicebatur, inveterata excandescens malitiâ, probitati nimium et sapientiæ militis invidens, non passus est ipsum sic libertate donari; sed et de assentatoribus suis nova assisa electa, præpropere et perperam condemnatur, et, tanquam traditor, tractus et dimembratus, innocens Martyr pro justitia passus a plerisque etiam Anglis reputatus est.”

* The trial and execution of Sir William Stewart must have been in the period between 14th September 1402, the date of the battle of Homildown, and the 21st July 1403, the date of the battle of Shrewsbury, where Hotspur Percy was killed.

This

This fact, concerning Sir William Stewart's being taken prisoner at the battle of Homildown, and his being put to death soon thereafter, is so decisive of the whole matter in dispute, that Mr. Williams, in the papers lately drawn up by him, has been at great pains either to reject the testimony of the author of the *Scoti-Chronicon*, or to make it be believed, that Sir William Stewart *de Forestá* could not be the same person as Sir William Stewart of Jedworth or Teviotdale.—To this purpose Mr. Williams in one of his late papers, entitled “An impartial Examination of the different accounts given of Sir William Stewart of Jedworth, and Sir William Stewart of Castlemilk,” has the following passage: “*No author but the author of the Scoti-Chronicon, mentions the circumstance of Sir William Stewart's having been put to death by the sentence of a jury instigated by Hotspur Percy; nor can it be proved that the transaction, if true, is solely applicable to Sir William Stewart of Jedworth. The title given by Fordun, or his Continuator, to the Sir William Stewart whom he asserts Hotspur sacrificed to his fury, is de Forestá; and this designation cannot at least be proved inapplicable to Sir William Stewart of Castlemilk. The situation of Castlemilk near Lochmaben, a country then abounding with wood, and near the conjunction of the forests of Jedburgh, Selkirk, and Etrick, might well confer on its possessor the title of de Forestá. The limits of these forests were more extensive in ancient times than they are at present supposed to be.*”

And in another part of the same paper, there is this passage: “With regard to Sir William Stewart of Jedworth, as his residence was in the town of Jedburgh, the title of ‘*de Forestá*’ would confessedly be very inapplicable to him; it would literally be creating a *rus in urbe*, to apply the designation of *de Forestá* to an inhabitant of a populous town. There are many reasons for concluding, that the fact related in the *Scoti-Chronicon* cannot be true, at least with respect to Sir William Stewart of Jedworth.”

These reasonings and conjectures on the part of Mr. Williams, must fall to the ground, when the true state of facts is attended to. The circumstance on which he lays so much stress, the designation of “*de Forestá*,” is so far from being inconsistent with the designation of “*de Jedworth*,” that the one and the other means precisely the same thing; for in
D ancient,

ancient, as well as in modern times, Jedworth Forest is a description so well known and established, that "Jedworth" or "The Forest," or "Jedworth Forest," are almost synonymous, and they are made use of indiscriminately for describing the same tract of country. When Sir William Stewart was described "of Jedworth," it was never meant by that to say, as Mr. Williams supposes, that he was an inhabitant of the small town or village of Jedworth, but that he had an estate or tract of country known by the description of *Jedworth*, or in other words, of *Jedworth Forest*; which to this very day is the description of a large tract of country in the county of Teviotdale, upon the borders between England and Scotland. A great part of that tract of country under that description of Jedworth, or Jedburgh Forest, belongs at this day to the Douglas family, and it is so described in the rentals and title deeds of that family*.

But another piece of evidence, now to be stated, will serve at once to put an end to all cavil upon Sir William Stewart's designation of *de Foresta*; and at the same time will shew that Mr. Williams is greatly mistaken, in

* James the 8th Lord of Douglas, known by the name of the Good Sir James, who died in the year 1331, got a grant from King Robert the Bruce in the year 1324, to him and his heirs of the Town Castle and *Forest of Jedworth*. Vide Douglas's Peerage, page 183, where he appeals to a charter in the possession of the family of Douglas.

In Rymer's *Fœdera*, vol. 4. No. 616. mention is made of the *Villa Castrum et Forresta de Jedworth*, where Edward Baliol, anno 1334, in the second year of his reign, by a grant under the great seal of Scotland, dated at Newcastle, 12th June, grants to Edward King of England, amongst other articles, *Villam, Castrum, et Forrestam de Jedworth*.

In Rymer, vol. 4, page 617, Edward King of England, upon the 15th of June, 1334, appointed Galfridus de Moubray sheriff of the county of Roxburgh, and gave him the custody of the Castle of Roxburgh; and appointed Gulielmus de Pressen constable of the Castle of Jedworth, with the custody of *the Forrest of Jedworth*.

In the *Cartæ Antiquæ and Rotuli Scotiæ*, published by Sir Joseph Ayloffe, page 147, there is an article in the 8th year of Edward the 3d in these words: "De constabulario Castri Regis et Custodia *Forrestæ de Jedworth*, commissio Willielmo de Pressen."

In the year 1403, July 9th, an agreement was entered into between the King of England and the Earl of Northumberland, by which the Earl engaged to deliver up to persons having commission from the king, the Castle of Berwick, and also the Castle and *Forrest* of Jedburgh with all their dependencies, which had been granted by a charter of Edward the 3d to the Earl's grandfather. Rymer, vol. 8, page 364.

supposing that no author but the author of the Scoti-Chronicon had mentioned the remarkable circumstance of Sir William Stewart's being taken prisoner at the battle of Homildown, and of his being tried, condemned, and executed in consequence thereof; for there is a contemporary author, of great character, and deserving of credit, who mentions almost all the same circumstances, with some additional ones; and it fortunately happens for clearing up the present question about the designation, that author does not describe Sir William Stewart under the designation of "de Forestâ," but in express words describes him "*Sir William Stewart of Teviotdale.*" This designation it will not be denied belonged to Sir William Stewart of Jedworth; instances of which have already been given.

The authority here appealed to, for establishing the same facts as those related in the Scoti-Chronicon, concerning the death of Sir William Stewart of Jedworth, is Winton's Chronicle of Scotland, of which there is one manuscript copy in the Advocates Library at Edinburgh, and another manuscript copy in the Harleian Collection at the British Museum; and the merit of Winton's Chronicle is so well ascertained, that it is now in agitation to give a splendid edition of it to the public in print;—the work is already far advanced.

Winton's Chronicle, according to the fashion of the chroniclers or historians of those remote times, was written in a sort of verse; and in chapter 216, p. 887, after describing the battle of Homildown, there is what follows, relating to Sir William Stewart of Jedworth Forest, or of Teviotdale.

*" Schir William Stewart of Tivydaill
That day was tain in that Battaill,
And ain uthir gude Squyeir,
That be name was callit Thomas Ker.
This Schir Henry de Percy
Thai twa demanyt unlauchefully,
As in jugement sittand he
Gart thir twa accusit be,
That thir twa before then
Had been the King of Inglands men,*

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And

And armyt agane him : forthi
 Thai war accusit of tratary.
 Sua in cullour of justice,
 (Set it was nane) he rasit assis
 Ane affys first maid thame guyt.
 Bot this parfy, with mair despyte,
 To this affys eikit then
 Mair malicious felloun men,
 That durst nocht doe, but all as he
 Wald, sua behuffit it to be.
 Than accusyt he thir twa men,
 Saras far than before then ;
 And by this accusatioun,
 Of deid thai tholit the passioun.
 And of thair quarteris he gart be fet
 Sum intill York, upon the yett.
 Intill Inglonde was ane man,
 That oft oyfit till speik than
 Sindry thingis or thai fell,
 Bot of quhat spreit I can nocht tell ;
 Quhen he hard as this was done,
 Quhair him lykit he said rycht sone,
 " Men may happin far to se,
 " Or ane yeir be gane, that he
 " That gart yon lym be yonder fet
 " Now upon yone ilka yett,
 " His awin lym to be rycht sua
 " Sa may fall the gamyn to ga."
 And sa it happytnit that deid done,
 As yhe fal here eftyre soqn."

Winton's Chronicle was completed about the year 1418. He was a Canon Regular of St. Andrew's, and Prior of the Monastery of Lochleven in Fifeshire ; and there are few authors whose knowledge and veracity have been held in higher estimation.

Thus

Thus it appears that the same facts, with their most essential circumstances, have been related by two different authors, both of whom were in effect contemporary with the event related; for Winton's Chronicle was composed about the year 1418, at latest, it appears from the work itself that the author composed it between 1408 and 1418, and that the last event noticed by him is a transaction of the year 1419*: and the continuation of the Scoti-Chronicon by Walter Bower, or Bowmaker, Abbot of St. Colómb, must have been at some period between 1385, when he was born, and 1449, when he died †.

Both these authors, therefore, were well qualified to write an account of an event so recent as that of the battle of Homildown, which had happened in their own time, and they must have had good information of the facts related by them. What adds to the force too of these separate testimonies is, that it evidently appears from the discrepancies in the accounts given by them, that the one author had by no means copied from the other.—They differ considerably from each other in some of the circumstances attending the capital event; but they are both agreed, and affirm with certainty, that Sir William Stewart was taken prisoner at the battle of Homildown, and that he was tried, condemned, and executed, and that Hotspur Percy was the principal cause of his condemnation. It would have been singular indeed, if two authors, unconnected with each other, had agreed to invent so memorable a fact without any foundation in truth; when such a falsehood with regard to a fact stated to have happened so very recently, and in their own times, must have ruined their characters for veracity, and destroyed the credit of the histories they were then giving to the public.—In short,

* He died about the year 1424.

† The time of the birth and death of the Continuator of Fordun is fixed by the preface to Goodal's edition of the Scoti-Chronicon, page 3; by Bishop Nicholson's Scottish Library, page 34; and by Sir David Dalrymple's Remarks on the History of Scotland, page 131.

It appears also from Sir David Dalrymple, page 132, that Winton's Chronicle had been written before Bower's continuation of the Scoti-Chronicon, therefore must have been written very soon indeed after the battle of Homildown; and there is internal evidence in Winton's Chronicle, that the author of it never had seen the continuation of Fordun by Bowmaker.

there

there can be no reliance on any historical fact whatever, if credit is not due to this which relates to Sir William Stewart of Teviotdale, ascertained as it is, by contemporary authors, who could have no inducement to falsify the fact, and who, if they had, could so easily have been detected; for Sir William Stewart of Teviotdale was a man so eminent both in Scotland and in England, that what related to him must easily have been known, and if he had not been taken prisoner at the battle of Homildown, or had not been tried, condemned, and executed soon thereafter, but on the contrary had lived for many years after that period, it would have been a most ridiculous attempt for any author, especially a contemporary author, to endeavour to persuade the world that Sir William Stewart then alive, had been tried, condemned, and executed immediately after the battle of Homildown, in the year 1402.

If an historical fact so completely established stood in need of any additional support from the probability of the events related, there are circumstances in this case which would afford that support; for the course of Sir William Stewart's military achievements, and the local situation of his property, produced events which naturally exposed him much to the enmity and revenge of the Percy family, whose property in Northumberland lay contiguous to Sir William Stewart's property of Jedworth Forest; and it appears from history, that Sir William Stewart, who certainly was one of the most distinguished active champions for Scotland at that time, had upon many occasions very much annoyed the inhabitants of Northumberland, and injured the property of the Percys there.

The passage already quoted from Rymer's *Fœdera* shews, that at the time of settling the disputes between England and Scotland, in October 1398, Sir William Stewart was particularly obnoxious to the English, on account of ravages committed by him, the particulars of which Sir Philip of Stanley, Captain of Roxburgh, gave in a complaint to the Commissioners of England and Scotland then assembled, in which he stated, that the Earl of Douglas, and sundry men in company with him, and particularly named Sir William Stewart, had broken the bridge of Roxburgh, burnt and plundered their town, had broken their walls and burnt their hay and their fuel, to their damage of two thousand pounds.—It is to be remarked, that

that at the time when this happened, Henry de Percy Earl of Northumberland was, by a commission from King Richard the Second, Keeper of the Castle of Roxburgh, and Sir Philip of Stanley, who presented the complaint, appears to have been Captain under him.

In Sir Joseph Ayloff's Calendar of Ancient Charters, page 258, there is an article shewing that in the 14th of Richard II. (which was the year 1389) Henry de Percy had been appointed keeper of the Castle of Roxburgh.

When Sir Philip Stanley, therefore, in the year 1398 presented the complaint against Sir William Stewart, and called upon him, then present, to answer it, this must have been done with the knowledge, and most probably by the direction of his principal Henry de Percy.

In the year 1399, new cause of offence was given by Sir William Stewart against the Percy family; for Sir William was one of those who in that year made inroads into Northumberland, where they took the Castle of Wark, belonging to the Percy family, totally demolished that Castle and made great ravages in Northumberland; but while so employed they were attacked and defeated by the English forces under Sir Robert Umfraville, on which occasion Sir William Stewart and several of his neighbours in Teviotdale were taken prisoners.

It was not long after this that Sir William Stewart engaged again in an enterprise to distress the English, which was directed principally against Northumberland, where the property of the Percy family lay. This happened in the year 1402, when Sir William Stewart accompanied the Earl of Douglas in an expedition into Northumberland, where they committed great ravages; but before they had penetrated farther into the country they were attacked and defeated at Hemildown, near Wooller, by the English, under the Earl of Northumberland and his son Henry Hotspur Percy, assisted by the Earl of Dunbar and March; upon which occasion, both the Earl of Douglas himself, and Sir William Stewart of Jedworth, were made prisoners. Sir William Stewart's life was forfeited in the manner already related; and it has been supposed, that his behaviour at Roxburgh, and in his ravages upon the Percy estate at different times, must have produced the animosity and resentment with which Hotspur Percy prosecuted him, and got him condemned after

after the battle of Homildown *. Sir William Stewart was probably considered by the Percy family as one of their most troublesome and formidable enemies ; for he appears to have been a very able and distinguished warrior, was always ready to take the field, and, from his local situation upon the borders of the Percy estate, had it in his power to be more troublesome to them than almost any other person.

Another circumstance which makes the account in the Scoti-Chronicon, and in Winton's Chronicle, the more applicable to Sir William Stewart of Jedworth, and increases the probability of the story told, is, that one of the grounds for his trial was that before Teviotdale had been restored to Scotland (*venit ad pacem regis*) he when a boy had become a subject of the King of England (*Anglicatus erat.*)

Teviotdale had been acquired by the King of England, and remained subject to that crown from the time of the battle of Durham, in the year 1346, down to the year 1384; to which purpose there is a paragraph in the Scoti-Chronicon, page 400, at the date of the year 1384, in these words: " Quo in tempore Willielmus comes de Douglas potentialiter et
" partim tractatu suscepit, totam Thevidaliam ad fidelitatem et pacem Regis
" Scotorum quæ invariabiliter Anglicis adhærebat a bello de Durham
" usque tunc."

The same fact is stated in Holinshed's Chronicle of Scotland page, 247.

Now, as Sir William Stewart's property lay in Teviotdale, where he passed his life, and was even designed sheriff of that county in 1396, and of course was a subject of the king of England while Teviotdale remained with that crown, it makes it more probable that Hotspur Percy, when exasperated against him, might avail himself of that pretence for accusing Sir William Stewart of Jedworth as guilty of high treason against the King of England; for the inhabitants of Teviotdale, who during a certain period took arms against the King of England, were considered as rebels.

* On reading over the genealogical and historical deduction of the Stewarts of Dalswinton and Garlies, drawn up by George Crawford, historian, it appears that he admits completely the fact of Sir William Stewart having been tried and executed after the battle of Homildown; and accounts for the enmity Percy bore to him in a manner similar to what has here been stated.

In confirmation of this, there is a passage in Redpath's Border History, pages 356, and 357, where he mentions a truce concluded in the year 1386, between the wardens of the English and Scottish marches, and says that "as Teviotdale had been acquired from the English only two years before, by the Earl of Douglas, the English warden still considered the inhabitants of Teviotdale as a sort of rebels;" and would only consent in the truce 1386, to give them a protection. Rymer, vol. 7. page 526.

PROOFS *in support of the* SECOND PROPOSITION, *to wit, That the Age and Circumstances which are known to have related to* SIR WILLIAM STEWART of JEDWORTH, *are totally irreconcilable with any idea of his being the Son of* SIR ALEXANDER STEWART of DERNELEY, *or the Brother of* SIR JOHN STEWART of DERNELEY, *the Constable of the Scottish Army in France.*

TOWARDS the beginning of these observations there has been inserted the Genealogical Table drawn up by Mr. Williams, for illustrating the Earl of Galloway's pretensions, and the arguments which had been used for proving that his ancestor Sir William Stewart of Jedworth was the son of Sir Alexander, and the brother of Sir John Stewart of Derneley.

That the evidence now to be given in refutation of these suppositions may be the better understood, it will therefore be proper here to insert a true and accurate Genealogical Table of the Stewarts of Derneley, beginning with Sir John Stewart of Bonkyl, the brother of James the High Stewart of Scotland, and ending with Sir John Stewart of Derneley, and his brother Sir William, who were killed in France in 1429, comprehending at the same time what is believed to be the true account of the ancestors of Sir William Stewart of Jedworth.

GENEALOGICAL TABLE.

Sir JOHN STEWART of Bonkyl, sometimes described of Jedwith, Brother of James the High Stewart of Scotland, killed at the Battle of Falkirk in 1298.

Sir ALEXANDER STEWART of Bonkill, eldest Son of Sir John, died before the Year 1329, leaving one Son.

Sir JOHN STEWART of Bonkyl, Son of Sir Alexander, succeeded his Father before 1329, married Margaret, Daughter of Alexander of Abernethy, Knight, and was created Earl of Angus.

THOMAS STEWART Earl of Angus, Son of John, married Margaret St. Clare, Daughter of Sir William St. Clare of Rosslyn, by whom he had one Son.

THOMAS STEWART Earl of Angus, Son of Thomas, married Margaret, Daughter and Coheir of Donald Earl of Mar, died without Issue in 1377.

Sir ALAN STEWART of Dreggairn, 2d Son of Sir John of Bonkyl, born towards the End of the 13th Century, and was killed at the Battle of Halidonhill 19th July 1333, leaving Issue,

Sir JOHN STEWART of Dernley, eldest Son of Sir Alan, died before the Month of January 1369.

WALTER STEWART, 2d Son of Sir Alan, died without leaving Issue Male.

ALEXANDER STEWART of Dernley, 3d Son of Sir Alan, succeeded to the Dernley Estates before 1371, and died after 1374.

JOHN STEWART, eldest Son of Sir John Stewart of Dernley, who, in August 1357, was one of the Hostages for the Ransom of King David Bruce, and died before the End of October 1357.

ROBERT STEWART, 2d Son of Sir John of Dernley, who, on the Death of his Brother John, became, in October 1357, one of the Hostages for the Ransom of King David Bruce, and died, while Hostage in England before 1369, without Issue.

Sir ALEXANDER STEWART of Dernley, Son of Alexander, and Grandson of Sir Alan, married Dame Janet Keith of Galfoun, by whom he had five Sons and one Daughter, and died between 1399 and 1404.

Sir JOHN STEWART of Dernley, the first Lord of Aubigny, eldest Son of Sir Alexander, succeeded his Father before 1404, distinguished himself in the Service of Charles the VIIth of France, and was killed during the Siege of Orleans in February 1428-9.

Sir WILLIAM STEWART of Castlemilk, Miles, who lived during part of the 14th and 15th Centuries, was killed in the same Battle with his Brother Sir John, and left Issue several Sons.

Sir WALTER STEWART of Dalfwinton, 3d Son of Sir John of Bonkyl, who got the Barony of Garies from John Randolph Earl of Murray.

JOHN STEWART of Dalfwinton, Son of Walter.

WALTER STEWART of Dalfwinton, Son of John, died without Issue Male, leaving a Daughter his Heir.

MARION STEWART, Daughter of Walter, married in 1396 John Stewart, Son of Sir William Stewart of Jedworth, and from this Marriage the present Earl of Galloway is lineally descended.

JOHN STEWART of Jedwith, described in the Chartulary of Kelso in 1323 as Bailiff of the Abbot of Kelso.

JOHN DE FORRESTA from Scotland, mentioned in a Safe-conduct from the King of England on 26th January 1368.

Sir WILLIAM STEWART of Jedwith, sometimes designed de Forreſta, taken Prisoner at Homildown in 1402, and executed soon thereafter.

JOHN STEWART, who in 1396 married Marion, Daughter and Heiress of Sir Walter Stewart of Dalfwinton, and died between 1418 and 1420.

FROM a comparison of the preceding Genealogical Table with that drawn up by Mr. Williams, it will easily be perceived that they differ from each other in almost every article of the descendants from Sir Alan Stewart of Dreggairn, the root of the Derneley family ; and that the truth of the facts stated in the one of these Tables must necessarily exclude the truth of those stated in the other. It must therefore be submitted to the judgment of impartial inquirers, which of those two Tables is the best supported by proofs. It will be found that there are solid and irresistible proofs in support of every article in the last of these Genealogical Tables ; while the other is founded entirely upon suppositions and conjectures, which, however ingenious the reasoning may be, will certainly be found to be void of solid foundation.

There are a few points which when solidly established, would of themselves be sufficient to refute the articles contained in the first of these genealogical Tables, and to overturn the imaginary system, of making Sir William Stewart of Jedworth the son of Sir Alexander and the brother of Sir John Stewart of Derneley, and of continuing the existence of that Sir William Stewart of Jedworth down to the year 1429.

In the first place, if the proofs already given of Sir William Stewart of Jedworth having been taken prisoner at the battle of Homildown in the year 1402, and of his having been tried, condemned, and executed soon thereafter, are true ; (and that they are so cannot be denied, without denying historical facts the best ascertained ;) then it must be allowed that Sir William Stewart, who died in the year 1402, could not be the same Sir William Stewart who was killed in the year 1429, during the siege of Orleans. But it is a certain fact, ascertained beyond a doubt, that Sir John Stewart of Derneley, who was killed at the battle of Harrans, in the year 1429, had a brother, Sir William Stewart, who was killed in the same battle with him ; therefore it necessarily follows, that Sir William Stewart of Jedworth could not possibly be the brother of Sir John Stewart of Derneley, and, consequently, that there was another Sir William Stewart who was the brother of that Sir John Stewart.

2dly, The same inference will arise from another circumstance relating to the history of Sir William Stewart of Jedworth. In the year 1390, upon the 8th of December, there was a charter granted by John Turnbull of Minto, of the lands of Minto, in favor of Sir William Stewart of Jedworth, knight, wherein John Turnbull described Sir William Stewart as "*nepos suus*;" by which it is presumed he meant his nephew. If John Turnbull was uncle to Sir William Stewart, he must have been the brother either of the father or the mother of Sir William Stewart—of the father it could not be, as the father's name was Stewart: then the mother of Sir William Stewart of Jedworth must have been of the name of Turnbull, and sister of John Turnbull of Minto.—But this is totally inconsistent with Sir William Stewart of Jedworth being son of Sir Alexander Stewart of Derneley; for nothing is more certain than that the wife of the second Sir Alexander, and the mother of Sir John Stewart of Derneley, and of his other children, was Dame Janet Keith of Galstoun.

To avoid this difficulty, of which Mr Williams seems to have been aware, he supposes, that Sir Alexander Stewart of Derneley, the husband of Janet Keith, must have been twice married, and that his first wife may have been of the Turnbull family, and have produced to him Sir William Stewart of Jedworth, by which means he would be the son of Sir Alexander Stewart of Derneley: but of this first imaginary marriage of Sir Alexander Stewart there is not a vestige of evidence, neither is it said or insinuated by any author whatever.

If it could be supposed that Sir Alexander Stewart of Derneley had been first married to a person of the name of Turnbull, and that of that marriage there had been a son, to wit, Sir William Stewart of Jedworth, then that son must necessarily have succeeded to the Derneley estate, which by solemn deeds executed in the years 1356 and 1362, by Robert the Stewart of Scotland, was entailed on Alexander Stewart of Derneley and his heirs male forever; and unquestionably the son of the first marriage must have been preferable to the sons of the second marriage. But as Sir John Stewart of Derneley, son of the marriage between Sir Alexander Stewart and Dame Janet

Keith, succeeded to the Derneley estate immediately on the death of his father, that necessarily proves that Sir Alexander had no son of a prior marriage. This argument seems to be conclusive, more especially as it cannot be pretended that Sir William Stewart of Jedworth could have been the son of Sir Alexander Stewart of Derneley by a second marriage; for it is established beyond the reach of doubt, that Sir Alexander, who married Dame Janet Keith, died many years before her, and there are many deeds executed by her subsequent to his death mentioning that they were granted in her widowhood; therefore if Janet Keith was the mother of Sir John Stewart of Derneley the eldest son, she must also have been the mother of all his other sons, of whom there were several; and it is well ascertained that one of them was William, who was killed at the siege of Orleans at the same time with his brother.

After two such conclusive proofs, it is almost superfluous to take notice of any other circumstances which operate against Mr. Williams's supposition of Sir William Stewart of Jedworth being the son of Sir Alexander Stewart of Derneley; but there are other circumstances which tend to the same conclusion.

In point of chronology it would be very difficult to make Sir William Stewart of Jedworth the son of Sir Alexander Stewart of Derneley, who married Dame Janet Keith; for it is to be observed, that Sir William Stewart of Jedworth had a son John marriageable, and actually married in the year 1396, as appears from the contract of marriage dated 13th October 1396, by which it was agreed between Sir Walter Stewart, Lord of Dalswinton, on the one part, and Sir William Stewart, Sheriff of Teviotdale, on the other, that John Stewart, the son and heir of the aforesaid Sir William, should have to wife Marion the daughter of the aforesaid Sir Walter, and *that the matrimony should be fulfilled between them before Candlemas then next to come in the year 1397.* Supposing then that John Stewart the son of Sir William was only of the age of 21 at the date of the marriage contract to Marion Stewart in 1396, that would draw back his birth to the year 1375; then supposing that his father, Sir William Stewart of Jedworth, was of the age only of 21 at the birth of his son John, that would draw back the birth of Sir William Stewart of Jedworth to the year 1354. And
pro-

proceeding upon the same scale of moderate calculation, by supposing that Sir Alexander Stewart, the second of that name, was but 21 years old at the time of the birth of Sir William Stewart of Jedworth, if he was his son, that would draw back the birth of the second Sir Alexander Stewart to the year 1333. And still proceeding upon the same moderate scale of calculation, let it be supposed that the first Sir Alexander Stewart, the father of the second Sir Alexander and the son of Sir Alan was but 21 years old at the birth of his son Alexander, that would draw back the birth of the first Alexander to the year 1312; and as Sir Alan had two sons, John and Walter, elder than Alexander, besides a daughter, that would draw back the marriage of Sir Alan to several years before 1312. Now it does not seem at all probable that Sir Alan Stewart, killed at the battle of Halidonhill in the year 1333, had been a married man in the beginning of that century, or that he had a grandson alive at the time of his death in 1333, especially as it is known that his son, the first Sir Alexander, did not die till after the year 1374; but the improbability would be greatly increased, if a larger allowance were made for the ages at which the heads of the family during the four successive generations above-mentioned had each of them a son. In short, to make it possible that Sir William Stewart of Jedworth could have been the son of the second Sir Alexander Stewart of Derneley, there must be many strained suppositions of possibilities, instead of resorting to probabilities; and it must be supposed that the second Sir Alexander Stewart had in the course of about forty years from his marriage, a grandson by Sir William Stewart of Jedworth marriageable and actually married in the year 1396, even before Sir John Stewart of Derneley, the eldest son of Sir Alexander and the heir of his estate, was married, or just about the time of his marriage.

On looking at the Genealogical Table last above inserted, wherein all the generations from Sir John Stewart of Bonkyl are particularly stated, it will appear that Sir William Stewart of Jedworth, instead of being the son of the second Sir Alexander Stewart of Derneley, was in a generation cotemporary with him, and that John Stewart, the son of Sir William of Jedworth, who married Marion the heiress of Dalwinton, as well as Marion herself, were in a generation precisely contemporary with Sir John Stewart of Derneley, the eldest son of Sir Alexander. It would be preposterous, therefore, for
many

many reasons, to suppose that Sir William Stewart of Jedworth, the father of John, could be the son of Sir Alexander Stewart of Derneley.

Upon the other supposition, of John Stewart, the husband of Marion Stewart, being a contemporary, and about the same age with Sir John Stewart of Derneley, all these absurdities and strained suppositions are avoided: then it will appear that John, the son of Sir William Stewart of Jedworth, was of the same age, and married about the same time with Sir John Stewart of Derneley: and the chronological events subsequent to that time will also better correspond; for that John Stewart, the son of Sir William of Jedworth, died in the year 1418, leaving a son, William Stewart, Lord of Dalwinton, who was then either of age or near to it, and was knighted before the year 1429, as in that year he was described William Stewart of Dalwinton, miles. On the other hand, Sir John Stewart of Derneley, the eldest son of Sir Alexander, lived till the year 1429, when he was killed in battle; and therefore instead of being considered, as in Mr. Williams's supposition, uncle to John Stewart, who died in the year 1418, leaving a son advanced in life, may well be considered as the contemporary of that John Stewart.

Another circumstance which operates against the supposition of Sir William Stewart of Jedworth having been the son of Sir Alexander Stewart of Derneley, is, that in all the charters from the Crown, or from the Stewart of Scotland, in favor of Sir John Stewart of Derneley, the son of Sir Alan, or of his brother Sir Alexander Stewart, or of his son the second Sir Alexander Stewart, the husband of Dame Janet Keith, they are always described as cousins to the Kings of Scotland; but though there are many charters extant from King Robert the II. and King Robert the III. in favor of Sir William Stewart of Jedworth, he is never in any one of these described as cousin, but only as *dilectus et fidelis noster*. This would not have happened if he had been the son of Sir Alexander Stewart of Derneley, who, as well as his son Sir John Stewart of Derneley, was uniformly described as *consanguineus regis*. And it is the more remarkable, that several of the grants from the Crown in the beginning of King Robert the third's reign in favor of Sir William Stewart of Jedworth, wherein he is described only *dilectus et fidelis noster*, were precisely at the same period when the king in other charters described Sir Alexander Stewart of Derneley as *dilectus consanguineus suus*.

Thus

Record of
Charters, Roll
10. No. 11.

Thus it was that in a charter dated in the year 1391, granted by King Robert the III. to Thomas de Somerville and to Janet Stewart his wife, of the lands of Canmethan ; the King, in speaking of Sir Alexander Stewart of Derneley, the preceding proprietor of these lands, describes him as his beloved cousin.

About the very same period there were various charters in favor of Sir William Stewart of Jedworth, viz.

1st, A charter from King Robert II. to William Stewart of Jedworth, of the lands of Synlaw, dated 2d July 1385.

2d, A charter by King Robert the III. to Sir William Stewart of Jedworth, of the lands of Minto, dated 4th January 1391.

3d, A grant by King Robert III. to Sir William Stewart of Jedworth, of 40 merks sterling, dated 27th March 1392.

4th, A charter by King Robert III. to Sir William Stewart of Jedworth, of certain lands which had belonged to George Abernethy, dated 8th November 1392.

Notwithstanding these grants from the Crown in favor of Sir William Stewart of Jedworth were all of them so very near to the same period in 1391, when Sir Alexander Stewart of Derneley was in the royal charters described as cousin to the king, yet there is not a single instance of Sir William Stewart of Jedworth being so designed.

This could not have happened, if he, Sir William Stewart of Jedworth, had really been the son of Sir Alexander Stewart of Derneley, as supposed by Mr. Williams ; the more especially, as Sir William Stewart of Jedworth was a man of great eminence, distinguished by his military exploits and abilities, and in great favor at the court of King Robert III. where, if he had been the son of Sir Alexander Stewart of Derneley, that circumstance would not have been unknown at court, nor would the description of cousin to the King have been withheld from him.

But without resorting to a collateral proof of this sort, the proofs given in the preceding part of these observations, which shew that Sir William Stewart of Jedworth was taken prisoner at the battle of Homildown in 1402, and that he was tried, condemned, and executed, either in 1402 or 1403 ; and the proof, that he could not be the son of Sir Alexander Stewart,

Stewart and Dame Janet Keith, because his mother was of the name of Turnbull, and sister of John Turnbull of Minto; and the evidence arising from the age and circumstances relating to Sir William Stewart of Jedworth, and to his son John, married in 1396,—each of these different branches of evidence is, of itself, conclusive to prove, that Sir William Stewart of Jedworth could not be the son of Sir Alexander, or the brother of Sir John Stewart of Derneley, and of course, when taken jointly, the force of them must be irresistible for proving that proposition.”

[*End of the first Paper communicated to Mr. Williams in November 1794.*]

IN the same month of November 1794, the following Paper was also communicated to Mr. Williams, for the behoof of the Earl of Galloway.

MEMORIAL concerning the Pedigree of Sir William Stewart of Jedworth, the Paternal Ancestor of the Earl of Galloway.

IN a separate Paper, intitled “Observations upon the Papers drawn up by Mr. Williams on behalf of the Earl of Galloway,” it has been shewn, that Sir William Stewart of Jedworth, the ancestor of Lord Galloway, could not possibly have been the son of Sir Alexander Stewart of Derneley who died about the year 1400, nor the brother of Sir John Stewart of Derneley who was killed in France in the year 1429. But it now remains to shew, who Sir William Stewart of Jedworth really was, that is to say, to trace his pedigree from the most authentic documents that can be discovered.

Towards the end of the second volume of Nesbit’s Heraldry, there are historical and critical remarks on Prynne’s History, so far as concerns the submission and fealty sworn by the generality of the Scottish nation to King Edward I. of England, in 1296, 1297, &c. commonly called the Ragman Roll; and in page 2d of these remarks there is the following article:

“*John Senescall de Jedwith*: He, in the opinion of a very great antiquary*, was the same John Stewart, who is in other places of this fealty

* Mr. David Symson, Historiographer of Scotland.

“ designed *frater germanus Jacobi Senescalli Scotiæ*, grandfather to King
 “ Robert II. and was the root of the Stewarts of Buncle, and the same
 “ brave gallant man that was slain in the service of his country at the battle
 “ of Falkirk, anno 1298. He had many sons, of whom sprung a great
 “ many illustrious branches of the serene race of the Stewarts. Sir Alex-
 “ ander Stewart, his eldest son, designed of Buncle, was, upon the for-
 “ feiture of the English family of the Umphraville’s, created Earl of Angus,
 “ in the 1327. Sir Alan, another son, was the stem of the noble
 “ family of the Stewarts of Derneley, from whom flowed the Earls and
 “ Dukes of Lennox, which failed in the 1672, to whom his Majesty
 “ King Charles II. succeeded, as his nearest and lawful heir male. Sir
 “ Walter Stewart, the third son, of whom the Stewarts of Dalswinton;
 “ of whom are the house of Garlies, the Earls of Galloway, by an heir
 “ of line and at law. Sir James Stewart of Pierstoun in Cunninghame, of
 “ which Innermeath, Lorn, both Lords of Parliament, Rosyth and Cragie-
 “ hall, Gairntully and several of the illustrious families of the Stewarts, are
 “ branched. *John Stewart of Jedwith was the youngest son that I have*
 “ *seen any authentic voucher for*: he is designed, *Johannes Senescallus de*
 “ *Jedwith*, and is baillie to the Abbot of Kelso, in the 1323.—*William*
 “ *Stewart of Jedwith, and Sheriff of Teviotdale, his son or successor,*
 “ in the reign of King Robert III. married his eldest son and heir apparent
 “ to Mariotta Stewart, only daughter and heir of Sir Walter Stewart of
 “ Dalswinton, anno 1397; of this double race of the Stewarts is the Earl
 “ of Galloway, as he is also of an heir female of another brother, as we
 “ have observed in this criticism.”

In the same Historical Remarks, page 30, there is the following article :

“ *John le Senescall de Jedwith*; if this be not Sir John Stewart of
 “ Buncle, as is generally agreed by our antiquaries, it must be a very
 “ ancient branch of the Stewarts: but, I conjecture, ’tis Sir John of Buncle,
 “ the same called *frater germanus Jacobi Senescalli Scotiæ*, swearing submission
 “ to the English, for different lands he held in different counties. There is in
 “ the 1323, a *John Senescall de Jedwith*, baillie to the Abbot of Kelso,
 “ *whom, we reckon, was Sir John’s youngest son, and one of the Earl of*
 “ *Galloway’s progenitors.*”

There

There is a Manuscript History of Lord Galloway's family, which was drawn up by George Crawford the antiquary, under the following title: "The
 " Genealogical and Historical Deduction of the Stewarts of Dalswinton
 " and Garlies, now Lord Garlies, and Earls of Galloway, from charters
 " and other authentic vouchers, from the reign of Alexander III. till the
 " present time—for near 500 years." In that History there is the following paragraph:

" Sir Walter Stewart of Dalswinton died soon after the 27th of April
 " 1399, and his daughter Mariotta aforesaid became his heir, being then
 " married to John Stewart, son and heir of Sir William Stewart of Jed-
 " with, sheriff of Teviotdale. *His father was John Stewart of Jedwith,*
 " *youngest son of Sir John Stewart of Buncle,* and got off in patrimony
 " the lands of Jedwith from his father. In the Chartulary of Kelso I find
 " this gentleman, *John Senescalli de Jedwith*, sitting as judge, and bailiff
 " to the Abbot of Kelso, in the year 1323. Mr. Symson, that accurate
 " antiquary on the Royal Family, especially with respect to the Stewarts
 " of Dalswinton and Garlies, expressly mentions a John Stewart, as one
 " of the sons of Sir John Stewart of Buncle, and that he was brother to
 " Sir Alexander Stewart, the first Earl of Angus; Sir Alan Stewart, the
 " first of the Derneley and Lennox branch; Sir Walter of Dalswinton;
 " Sir James Stewart of Pierstoun; of whom the Stewarts of Lorn,
 " Innermeath, Athol, Buchan, and Garntilly are all lineally descended.
 " Beside the testimony of Mr. Symson, which I think is of no little
 " weight, the lands of Jedwith being in the person of Sir John Stewart of
 " Buncle himself, and so soon thereafter in the hands of another *John*
 " *Senescalli de Jedwith*, who is not a knight, its somewhat more than a
 " presumption, especially *in re tam antiqua*, that he was no other than Sir
 " John Stewart of Buncle's son, and so a branch of the family of Lennox,
 " who came to represent Sir John Stewart of Buncle as his heir male;
 " and this the Sovereign himself acknowledges, that the house of Garlies
 " was branched from the Duke of Lennox family, in the patent creating
 " Alexander Stewart of Garlies, Lord Garlies, 1609. He married a lady
 " of the family of *Turnbull*, of the house of Minto, by whom he had a
 " son who was his successor in the lands of Jedwith, to wit,

“ *Sir William Stewart of Jedwith*, who made a very considerable figure
 “ in most of the great transactions between the two kingdoms of Scotland
 “ and England during the reign of King Robert the 3d. The first time
 “ he is to be met with in any public act or deed that I have seen, is in a char-
 “ ter granted to him by Joannes de Turnbull, miles, &c. whereby he gives
 “ and dispones dilecto nepoti suo Willielmo Senescalli terras de Minto et
 “ Morbelle ; which is confirmed by King Robert the 3d, by a charter under
 “ the great seal, anno 1390.”

Then Crawford's Manuscript History, after relating that both the Earl of Douglas and Sir William Stewart of Jedwith were made prisoners at the battle of Homildown, proceeds thus :

“ Some of the prisoners were ransomed, but upon Sir William Stewart
 “ the English were very severe ; for though in equity and justice he ought
 “ not to have been considered otherways than as a prisoner of war, as the
 “ rest of his countrymen ; yet, as I conjecture, and not without just grounds,
 “ Sir Henry Percy, the English general, calling to mind Sir William
 “ Stewart's behaviour in the breaking down of the bridge of Roxburgh as an
 “ invasion, or rather an open breach of the truce, which was then in being
 “ betwixt the two nations, and for that reason appointed him to be tried cri-
 “ minally by law. The jury, though Englishmen, at first affoizied [acquitted]
 “ him of the crimes laid to his charge ; but the Lord Percy, who had a parti-
 “ cular resentment against him, because he was a good Scotsman and hearty
 “ enemy to the English, threatened the jury a second time to enclose and to
 “ find and declare him a traitor ; and he suffered death accordingly, and
 “ fell a sacrifice to the resentment of the Lord Percy ; which cannot but be
 “ censured in the conduct of a great man, to treat even a brave man, though
 “ an enemy, in so unworthy and inhumane a manner.”

Douglas, in his Peerage of Scotland, under the title of “ Galloway,” page 278, concurs in the same account of the descent of Sir William Stewart of Jedwith. The words in Douglas are, “ Dame Marion Stewart, daughter
 “ and sole' heiress of Sir Walter Stewart of Dalswinton and Garlies, married
 “ her cousin John Stewart, son of Sir William Stewart of Jedburgh, sheriff
 “ of Teviotdale, and one of the greatest heroes of his time. He was son of
 “ Sir John Stewart of Jedburgh, *fourth son of Sir John Stewart of Bonkill,*
 “ younger

“ younger brother of Sir Walter of Dalswinton, great-grandfather of this
 “ Marion.”

“ He, in right of his wife, became possessed of the lands and baronies of
 “ Dalswinton, Garlies, &c. which appears by their contract dated anno
 “ 1396; and of this marriage the present Earl of Galloway is the lineal
 “ heir male.”

All the preceding authors concur in the same account of the descent and pedigree of Sir William Stewart of Jedworth; the only doubtful point amongst them is, that some of them have supposed James Stewart of Pierstoun to have been the fourth, and John Stewart of Jedworth to have been the fifth son of Sir John Stewart of Bonkill; whilst there are others who have asserted that John Stewart was the fourth and James Stewart the youngest son of Sir John. This last opinion seems to be the most accurate, which gives the seniority to John the ancestor of Lord Galloway.

No author down to the present time, has ever entertained an idea that Sir William Stewart of Jedworth or Teviotdale, the paternal ancestor of the Earl of Galloway, was the son of Sir Alexander Stewart of Derneley. On the contrary, it appears they were uniform in their opinions that he was descended from John Stewart of Jedworth, one of the younger sons of Sir John Stewart of Bonkill, the brother of James the High Stewart of Scotland. In one particular they seem to have been mistaken, in supposing him to have been the immediate son of that John Stewart of Jedworth, and the grandson of Sir John Stewart of Bonkill, who was killed at the battle of Falkirk in the year 1298; for that would be allowing more than one hundred years for two generations, from the death of Sir John Stewart in 1298 to the death of Sir William Stewart at the battle of Homildown in 1402, which is contrary to the chronological rules of calculation in matters of this sort. And as it is supposed that John Stewart of Jedworth, who was bailiff to the Abbot of Kelso in 1323, was the same person who was killed at the battle of Halidonhill in 1333, it is not very probable that the son of that person, even supposing him to have been young in the year 1333, could have been fighting battles at the distance of seventy years after the death of his father. But in the point now under discussion, it is of no consequence whether John Stewart, killed at the battle of Halidonhill in 1333, was the same person

with John Stewart mentioned as bailiff to the Abbot of Kelso in 1323, for his father Sir John Stewart of Bonkill and Jedworth having died in the year 1298, John the bailiff of the Abbot of Kelso must have been so far advanced in life in 1323 as to make it improbable that he should have had a son fighting battles in 1402. Therefore, there seems to be a necessity for supposing an intermediate generation between John Stewart of Jedworth, the son of Sir John of Bonkill, and Sir William Stewart of Jedworth or Jedworth Forest, killed at Homildown in 1402. But for supplying that intermediate generation, there is an article in Rymer's *Fœdera*, vol. vi. page 584, shewing that upon the 26th of January 1368, a safe-conduct was granted by the King of England to John of *the Forest* to come from Scotland to England.—The description is "*Johanni de Forestâ, armigero de Scotiæ, cum uno equite.*" There is great reason to presume that this article related precisely to John Stewart of *Jedworth Forest*, or Jedwith; and if so, it will remove any difficulties with regard to the chronological pedigree of Sir William Stewart of Jedworth Forest, by making him the great-grandson, instead of the grandson of Sir John Stewart of Bonkill; for it would not have been at all probable that Sir John Stewart of Bonkill, killed at the battle of Falkirk in 1298, should have had a grandson fighting battles at the distance of 104 years after that period, as was the case with Sir William Stewart of Jedworth, who was taken prisoner at the battle of Homildown in 1402. But the additional generation discovered by means of the article in Rymer in the year 1368 removes the difficulty; for there is nothing improbable in Sir John Stewart of Bonkill having a great-grandson who lived till the year 1402*.

The facts concerning Sir William Stewart of Jedworth—his being taken prisoner at the battle of Homildown in September 1402—and his being soon thereafter tried, condemned, and executed, have been fully established in the separate paper intitled "*Observations upon the Papers drawn up by Mr. Williams.*" Referring to the proofs therein stated, it is unnecessary

* It is to be remarked, that Nesbit seems to have been aware of the chronological difficulty, in supposing Sir William Stewart of Jedworth to have been the immediate son of John Stewart of Jedworth, the youngest son of Sir John Stewart of Bonkyl; for he expresses himself more cautiously, by saying, that William Stewart of Jedwith, sheriff of Teviotdale, was the son or *successor* of John Stewart of Jedworth, the bailiff of the Abbot of Kelso, in 1323.

here to repeat them ; and it may be assumed as a certain fact, that Sir William Stewart of Jedworth died either in the year 1402, or, at the latest, in the beginning of the year 1403 ; for he was taken prisoner at Homildown on 14th September 1402, and soon thereafter, at the instance of Hotspur Percy, was tried, condemned, and executed ; but Hotspur himself was killed at the battle of Shrewsbury on 21st July 1403 ; therefore Sir William Stewart's trial and execution must have preceded that date.

In March 1403, about six months after the battle of Homildown, Henry IV. of England made a grant to the Earl of Northumberland of all the Lordships and Estates in Scotland which had been possessed by the three last Earls of Douglas, or by the present Earl, or by his mother Johanna ; and the grant also comprehended the county of Teviotdale, as a reward to the Percy family for their late successful expedition against the Scots. This is related in Redpath's Border History, where he refers to Rymer's *Fœdera*, vol. viii. pages 289 and 290.

Hence it appears, that the King of England had confiscated or seized the estates of the Earl of Douglas, and that he had likewise seized the comitatus and lordship of Teviotdale, which comprehended the lands and estate of Sir William Stewart of Teviotdale ; for the Earl of Douglas and Sir William Stewart had rendered themselves particularly obnoxious to the English King by their devastations in the north of England before the unfortunate battle of Homildown.

It is probable that the estates of the Earl of Douglas remained thus confiscated for several years, for the Earl remained prisoner in England during several years after the battle of Homildown. It was at last agreed that a thousand merks should be paid for his liberation ; whereof seven hundred merks were paid in the year 1413, as appears by a discharge for that sum granted in the first year of Henry V. of England, in these words :—“ *Acquietantia pro septingentis marcis in partem solutionis*
 “ *mille marcarum pro liberatione Archibaldi comitis Douglas prisonarii*
 “ *Regis.*”

Sir Joseph
 Ayloffe's
 Calendar of
 Ancient Char-
 ters, page 269.

With regard to Sir William Stewart of Jedworth, as he had been tried, condemned, and executed in England soon after the battle of Homildown, upon the pretence of his having been guilty of high treason, there

there can be little doubt that the King of England, who seems at that time to have acted as Sovereign Lord of the comitatus and dominium of Teviotdale, would lay hold of and confiscate the estate of Sir William Stewart of Jedworth and Teviotdale; whence it is most probable, that John, the son of Sir William Stewart of Jedworth, did not for many years reap much benefit from his succession to his father; but his marriage to Marion Stewart the heiress of Dalswinton, had, before the death of his father, put him in possession of a very considerable fortune in Dumfriesshire, which devolved upon him on the death of Sir Walter Stewart of Dalswinton, his father-in-law, about the year 1399 or 1400.

This John Stewart, the son of Sir William of Jedworth, never took the title either of Jedworth, or the Forest, or of Teviotdale, or of Minto, but was designed Lord of Dalswinton.

Accordingly, there is still extant, and in the possession of Mr. Murray of Broughton, an original deed of renunciation by John Stewart and Marion his wife, dated at Gyrton the 31st of October 1418, in which he is thus designed:—" Be it known by these present letters, me
 " John Stewart knight, Lord of Dalswinton, with consent of Marion my
 " wife to have quit-claimed, from us and our heirs, unto Sir John
 " Stewart of Gyrton and his heirs, all claim of right that by any manner of
 " ways we or our heirs had or might have in time to come of the barony
 " of the Calie, lying within the regality of Galloway and stewartry of Kirk-
 " cudbright *."

There

* This renunciation, dated at Gyrton the last of October 1418, was signed before these witnesses; " A hie and mightie Lord Archibald, Erle of Douglas, Lord of Galloway,
 " and of Annandyrdale, Schir Villiam of Douglas of Drumlangryg, Schir Alexander of
 " Gordoyn, John Durand knyht, vyt oyers mony."

There is also in the possession of Mr. Murray of Broughton, an original charter by the said Archibald Earl of Douglas, dated at Edinburgh the 6th of February 1418, which in modern style is 1419; by which the Earl gave and confirmed to his beloved cousin Elizabeth Stewart, daughter of Sir John Stewart of Gyrton, all those lands of Killick, with the pertinents, which belonged to the *deceased* Sir John Stewart, father of the said Elizabeth, lying in the constabulary of Kircudbright, and shire of Dumfries.

Hence

There is certain proof that John Stewart, Lord of Dalswinton, the husband of Marion Stewart, who granted the said renunciation in October 1418, had died either in the course of that or of the next year, or at latest in the beginning of the year 1420; for it appears from the Records in Scotland, that upon the 28th of October 1420 there was a charter granted by Murdoch Duke of Albany, as Governor of the kingdom, in favor of Harbart Maxwell of Carlaveroch, of the lands of Garnfalloch, &c. lying within the barony of Dalswinton and shire of Dumfries, which lands were therein stated to have pertained heretably to Marion Stewart of Dalswinton, and to have been resigned by her *in her widowhood*, "sua pura viduitate," in favors of the said Harbart de Maxwell.

Here it may be observed by the bye, that Mr. Williams has supposed that John Stewart of Dalswinton had gone to France in the year 1419, along with the forces from Scotland, and that he had fallen in battle in the course of the first campaign; and further has supposed, that because the said renunciation of his right to the lands of Callie contained a clause stipulating that these lands should be redeemable on depositing twelve hundred marks, that therefore the sale of the lands of Callie was intended to defray a part of Sir John Stewart of Dalswinton's expences in the expedition to France, and the charges incurred by raising his contingent of troops. The answer to all which suppositions is, that there is not a vestige of evidence, or even of probability, in favor of any one of them. There is no clause of redemption in Sir John Stewart's renunciation in favor of Sir John Stewart of Gyrton, and the mention therein made of twelve hundred marks is not that the lands should be redeemable for that sum, but it is a penalty of twelve hundred marks, which Sir John Stewart of Dalswinton and his heirs were to pay Sir John Stewart of Gyrton and his heirs, in case they should ever act contrary to the renunciation then made.

Hence it appears that Sir John Stewart of Gyrton, in whose favour John Stewart, Lord of Dalswinton, had granted the beforementioned renunciation, upon the 31st of October 1418, had died before the 6th of February 1419.

MEMORANDUM.—One of the witnesses to this charter of the Earl of Douglas, upon the 6th of February 1419, is John Stewart, Earl of Buchan, the very person who commanded the Scots forces in the first expedition to France. It was subsequent to this date therefore at least that the first expedition to France took place.

With regard to Sir John Stewart of Dalswinton being engaged in the expedition to France, no author has ever said or insinuated any such thing, neither is there any manner of evidence for it. Mr. Williams has supposed it probable, that both Sir William of Jedworth and his son Sir John of Dalswinton were upon the French expedition, because Archibald Earl of Douglas, their superior and patron, was the Commander of it. But the fact is, that Archibald Earl of Douglas was not of the first expedition to France in the year 1419; he never was in France till the year 1423; therefore it was impossible that John Stewart, who, it has been shewn, died before the year 1420, could have attended the Earl of Douglas there. Nor could Sir William Stewart, the father of John, have attended the Earl of Douglas, as it has been shewn that the life of Sir William Stewart ended in the year 1402.

Even the very first expedition to France, to which the Earl of Douglas did not belong, and which was commanded by John Stewart, Earl of Buchan, the son of the Duke of Albany, did not take place till the end of the year 1419, or the beginning of the year 1420; and there was no action in France, in which the Scots troops were engaged, till the year 1421, at the battle of Beaugé, which was on the 22d of March 1421. Therefore, the whole of the story of Sir John Stewart of Dalswinton's expedition to France, and of his having been killed in the first campaign there, falls to the ground; and there is no reason to believe that he died any where else than in Scotland; and, most probably, in the course of the year 1419—most certainly, before the date of the said charter of confirmation, in October 1420.

Marion Stewart, the wife of Sir John of Dalswinton, survived her husband many years, and took for her second husband Sir John Forrester of Corstorphin.

To Sir John Stewart of Dalswinton succeeded his son William, who lived till the year 1477. There are not, either in the Records of Scotland or in Lord Galloway's charter chest, any papers which shew in what manner he made up his titles to the lands of Dalswinton and Garlies, and others which belonged to his father and mother in the county of Dumfries or in Galloway; nor any which shew whether he ever attained possession of
any

any lands which had belonged to his grandfather, Sir William Stewart of Jedworth, in the forest of Jedworth. Therefore Mr. Williams's argument in favor of the continuation of the life of Sir William Stewart of Jedworth, the grandfather, from the circumstance of it not appearing that William Stewart the grandson had taken infeftment of the lands of Minto till about the year 1429, falls to the ground; for the plain answer to such arguments is, that the old papers kept in private families, and the Records in Scotland at so distant periods, are so incomplete, that no argument can be drawn from what *does not* now appear; since, upon the same ground, it might be presumed, that William Stewart had never made up his titles to the lands of Dalswinton and Garlies, which were free from any dispute or difficulty.

It does appear, however, from some papers lately discovered in the charter chest of Sir Gilbert Elliot of Minto, that William Stewart, the grandson of Sir William Stewart of Jedworth, had either been in possession of the lands of Minto in Teviotdale in the year 1425, which was but five or six years after the death of his father John, or was at that time taking some steps for attaining that possession; for in Sir Gilbert Elliot's custody the following paper has been discovered.

An Original Notarial Instrument, dated 5th March 1425, attesting that upon that date there had been convened by Walter Turnbull of Minto, son of the deceased John Turnbull of Minto, *nobilis et conspecti viri*, to the number of twenty persons, who upon oath declared, that the said deceased John Turnbull of Minto, father of Walter, had, at the time of his making the grant of the lands of Minto in favor of Sir William Stewart of Jedworth, (to wit, in the year 1390,) been afflicted with a leprosy, as was publicly known in those parts, and that he had contracted this disease for the space of seven years before.

In that notarial instrument there is one thing material to be attended to, which is this: — that both John Turnbull of Minto, who had made the grant in favor of Sir William Stewart, and Sir William Stewart in whose favor the grant of the lands of Minto was made, are described as then *deceased*; for the word “quondam” is prefixed both to the name of John Turnbull of Minto and to that of Sir William Stewart; and there cannot be a doubt that in both cases it had the same signification,

to wit, that Sir John Turnbull of Minto and Sir William Stewart were both of them deceased before the date of that instrument in the month of March 1425.

This deed itself would be sufficient to knock up all the hypotheses made by Mr. Williams, where he supposes that Sir William Stewart had lived down to the year 1429; and that he had been killed during the siege of Orleans in the same battle with Sir John Stewart of Derneley.

Aware of this, Mr. Williams has been at infinite pains to give to the word *quondam* a different interpretation from that which is universally established. He first assumes it as a fact, without any proof, that Sir William Stewart had gone to France about the year 1419, and had lived there till the year 1429; and then upon this assumed fact he builds a supposition, that on account of his absence from Scotland the notary in the year 1425 may have described him *as quondam* Sir William Stewart de Jedworth, not on account of his being dead, but on account of his not having been resident in Jedworth for six or seven years past. It is sufficient to state an argument of this sort without refuting it."

There are a few more pages of the preceding memorial, but it is unnecessary to add them here, as they relate to the latter part of the Pedigree of Lord Galloway's family, which is well known and not disputed.

ANSWERS to the Statements in the Anonymous Publication, and in the Papers made out by Mr. WILLIAMS, on the part of the EARL of GALLOWAY.

THE two preceding Papers afford such a collection of facts as will enable any intelligent person to place in a clear point of view the merits or defects of Lord Galloway's case. This could not easily be accomplished without the aid of these papers, now for the first time printed; for most of the facts and arguments contained in them were not to be found in the
Genealogical

Genealogical History ; where it was not the intention to enter into any minute discussion of the merits of Lord Galloway's pretensions, nor to point out what might be objected against them.

The object of the Genealogical History was to trace, from the most remote periods, the principal branches of the Stewart family, (omitting the Royal Line, which had been frequently discussed); to bring under view various successive generations of the Stewarts of Scotland, and of the Stewarts of Derneley, Lennox, and Aubigny, concerning whom there did not exist any historical or genealogical account, excepting such as were full of errors; it was, therefore, a particular point in view to correct those errors, and to do justice, though in an imperfect degree, to the merits and celebrity of some very distinguished characters in these families, whose names and actions, according to my estimation of them, ought not to sink into oblivion.

The object of the Genealogical History explained.

In thus tracing the Genealogical History of the Stewarts down to the present time, it was unavoidably requisite to point out the line of ancestors from whom Cardinal York was descended; and, at the same time, to shew what branch of the family of the Stewarts would, after his death, be the representative of the Derneley branch.

The statement of these facts naturally led my attention to this point; What families or persons were likely to enter into the competition for that representation? and as I could find none whose pretensions could be brought forward with any chance of success, excepting those of Lord Galloway's family, and of the family of the Stewarts of Castlemilk in the county of Lanark, it became necessary for me to give some general account of the foundations of the claims competent to either of these parties; but it was not my intention to exhaust that subject, or to enter into such minute discussions as might be requisite in a legal proceeding. It was foreseen that if any thing of that sort should ever arise, Lord Galloway's pretensions would be more fully and more ably set forth and elucidated than could be attempted by me, upon whom there was no call for entering into such details; at the same time I had no hesitation to afford to Lord Galloway, or to any other claimant, an advantage which is generally reckoned to be considerable, that

The necessity
of printing the
papers form-
erly commu-
nicated to Mr.
Williams.

that of laying open to them in detail the grounds on which the pretensions of the family of Castelmilk rested; which pretensions were stated merely as historical facts arising out of the *Genealogical History*, and certainly were not brought forward with any arrogance or ostentation, or any symptoms of contemptible vanity, though the unknown author of the "*Genealogical History of the Stewarts refuted*" has affected to ascribe these qualities to that history, and has chosen to consider it only under these points of view, as best suited to his purpose. Nay, he has in different places been pleased to impute to me an intention of studiously concealing, or avoiding to disclose the whole merits of Lord Galloway's case. Such insinuations sufficiently justify the more full account which is now given to the public; and particularly evince the necessity of printing the papers formerly communicated to Mr. Williams. These papers were communicated in a manner which deserved to be considered as friendly both to Lord Galloway and to himself; and which I thought would have been felt by them as much more liberal and attentive than if I had inserted in the *Genealogical History* Mr. Williams's erroneous statements and conjectures, and the refutation of them.

The Earl of Galloway, I am sure, will not complain of me, as I have been compelled, by his over-zealous advocate, to enter more fully than I had intended into the merits of his Lordship's case. It is an illustration of the old saying, that an injudicious friend is more to be dreaded and often does more mischief than a declared adversary.

Those who attentively peruse the two preceding papers, must perceive that it was essential for the Earl of Galloway to maintain, that his ancestor Sir William Stewart of Jedworth was the son of Sir Alexander, and the brother of Sir John Stewart of Derneley; and that he engaged in the French expedition with his brother Sir John, and remained in France till 1429, when both brothers were killed in the same battle during the siege of Orleans. Without establishing these facts, it was impossible to maintain that Lord Galloway could be the next in succession to the Derneley family, after the death of Cardinal York. But the perusal of the preceding papers must have suggested to every attentive reader, that, in opposition to these facts necessary to be established on the part of Lord Galloway, there are various objections which, at first sight at least, appear to be insurmountable.

Four

*Four material Objections to the EARL of GALLOWAY's Claim necessary
to be surmounted.*

The first Objection is : That Sir William Stewart of Jedworth could not possibly be the Sir William Stewart who went to the wars in France with his brother Sir John Stewart of Derneley, in the year 1420 or 1421, and who was killed during the siege of Orleans in the year 1429; because it is ascertained by the concurring testimony of contemporary historians of the greatest credit, that Sir William Stewart of Jedworth was taken prisoner at the battle of Homildon in the year 1402, and was tried, condemned, and executed, at the instance of Hotspur Percy, immediately thereafter. Objection 1st.

The 2d Objection is : That Sir William Stewart of Jedworth could not possibly have been the son of Sir Alexander, or the brother of Sir John Stewart of Derneley; because it is ascertained, in the most unquestionable manner, that Sir Alexander Stewart of Derneley married Dame Janet Keith of Galston, who was the mother of Sir John Stewart of Derneley, and the mother of Sir William Stewart, and all the other children of Sir Alexander Stewart. But it is proved, with equal certainty, that the mother of Sir William Stewart of Jedworth was a person of the name of Turnbull, sister of Sir John Turnbull of Minto.—These facts make it, at least, difficult to evince the identity of the two Sir William Stewarts. Objection 2d.

The 3d Objection is : That, in point of chronology, Sir William Stewart of Jedworth, who had a son John marriageable, and actually married in the year 1396 to Marion Stewart, daughter of Sir Walter Stewart of Dalwinton, could not have been Sir William Stewart the brother of Sir John Stewart of Derneley; because, even if Sir William Stewart of Jedworth had not been prematurely cut off, in the manner before mentioned, in the year 1402, his age must have been inconsistent with the actions ascribed to Sir William, the brother of Sir John Stewart of Derneley. For it appears that Sir William Stewart of Jedworth, instead of being the son of the second Sir Alexander Stewart of Derneley, was in a generation contemporary with him; and that John Stewart, the son of that Sir William Stewart, Objection 3d.

Stewart, who married Marion, the heiress of Dalwinton, was in a generation precisely contemporary with Sir John Stewart, the eldest son of Sir Alexander. It would require a stretch of faith, therefore, to suppose that Sir William Stewart of Jedworth could have been that Sir William Stewart who went to the wars in France in the year 1420, and, after having been engaged for several years in active service, was at last killed in battle in the year 1429.

Objection 4th. The 4th Objection, which is also rather material, is : That there have been discovered among the title-deeds of Lord Minto's estate, in his charter-room at Minto, various original papers relating to a dispute between Sir William Stewart of Dalwinton, the grandson of Sir William Stewart of Jedworth, on the one part, and the son and grandson of John Turnbull of Minto on the other part, in relation to the property of those lands of Minto which in the year 1390, as before mentioned, had been disposed by John Turnbull of Minto in favor of his nephew Sir William Stewart of Jedworth. Amongst these papers there is the original instrument before-mentioned, dated 5th March 1425 ; the material part of which, as applicable to the present question, is, that both John Turnbull of Minto who had made the grant, and Sir William Stewart of Jedworth, in whose favor the grant of the lands of Minto had been made, are described as *then deceased* ; for the word *quondam* is prefixed both to the name of John Turnbull of Minto and to that of Sir William Stewart of Jedworth ; and there cannot be a doubt that in both cases that word *quondam* had the same signification, to wit, that John Turnbull of Minto and Sir William Stewart of Jedworth were both of them deceased before the date of the Notarial Instrument in March 1425 ; therefore Sir William Stewart of Jedworth could not well be present at the siege of Orleans in 1429.

The objections which have now been stated will probably not be considered as trifling or immaterial, and it is particularly unlucky too, for Lord Galloway's pretensions, that it will not be sufficient to overturn any one, or two, or three of these four objections,

jections ; but he will be under the disagreeable necessity of overturning all the four.

Of this Mr. Williams seems to have been aware, and therefore has exerted all his ingenuity to answer, or rather to elude and evade these four objections.

With regard to the first Objection, respecting the trial and execution of Sir William Stewart of Jedworth, in the year 1402, Mr. Williams, at first, endeavoured to elude it, by attacking the credit of the Scoti-Chronicon ; and by averring, that there was no other book besides the Scoti-Chronicon which had mentioned the circumstance of Sir William Stewart's having been taken prisoner at Homildown, and put to death by the sentence of a jury instigated by Hotspur Percy. He further maintained, that the title of "*de Forestâ*," given to Sir William Stewart in the Scoti-Chronicon, could not be applicable to Sir William Stewart of Jedworth. But both these assertions of Mr. Williams were refuted, by pointing out to him the additional evidence of Winton's Chronicle, where the same circumstances of Sir William Stewart's trial, condemnation, and execution, after the battle of Homildown, were particularly related, and where the description given of him was not that of "*de Forestâ*," but that of Sir William Stewart of Teviotdale,—a designation which it cannot be denied belonged to Sir William Stewart of Jedworth.

Mr. Williams's answer to the first Objection.

Upon these additional proofs being communicated to Mr. Williams, he found that he could no longer maintain his original ground, by objecting to the Scoti-Chronicon, as the only work which had mentioned the fact in question. He therefore betook himself to the expedient of refusing the testimony either of the Scoti-Chronicon or of Winton's Chronicle, and to maintain that the united testimony of both of them ought not to avail, alleging, that in both there were some errors ; and the nature of his argument is this : that because some errors may be discovered in the course of the extensive histories given by these authors, therefore no credit is to be given to them in any material particulars. The insufficiency of this mode of reasoning, or rather of cavilling, must be obvious.

H

After

After attempting in this manner to get rid of the evidence of the Scoti-Chronicon and of Winton's Chronicle, there still remained another difficulty for Mr. Williams to encounter: it was, the account given in the manuscript history of Lord Galloway's family, which was drawn up by George Crawford the antiquary; wherein the facts relative to the battle of Homildown, and its consequences, are stated in a manner which gives additional support to the material facts stated in the Scoti-Chronicon and in Winton's Chronicle, and accounts for the severity shewn by Hotspur Percy. *Vide* p. 36. where that passage from Crawford is inserted.

The easy method used by Mr. Williams for getting rid of the opinion and the state of facts given by Crawford, is, by alleging that Crawford was mistaken, or misled by others: at the same time it must be remarked, that both Mr. Williams and the anonymous author frequently appeal to that very history of Lord Galloway's family by George Crawford, upon other occasions, when it happens to serve their purpose.

Mr. Williams's answer to the second Objection.

With regard to the 2d Objection, founded on the fact that Sir William Stewart's mother was a person of the name of Turnbull, in palpable contradiction to the supposition of Sir William Stewart's being a son of Sir Alexander Stewart, who married Dame Janet Keith, the mother of all his children; Mr. Williams has resorted to a curious expedient, by supposing that Sir Alexander Stewart of Derneley was twice married, and that one of his wives was a person of the name of Turnbull, of the family of the Turnbells of Minto. Thus, in the view of the evidence for Lord Galloway, made out by Mr. Williams in 1794, there is, in page 18, the following paragraph: "Sir Alexander Stewart *must* have been previously married, " *probably* to a daughter of Sir John Turnbull of Minto, a very opulent " family on the borders of Scotland at that period."

To this ingenious mixture of argument and probability, it might be sufficient to answer, that there is not a vestige of evidence to prove, or even to make it probable, that Sir Alexander Stewart of Derneley was twice married, or that he ever had any other wife than Dame Janet Keith. Mr. Williams has been called upon repeatedly to give proofs in support of his conjecture, or to point out any author who had ever said or insinuated that Sir Alexander Stewart of Derneley had been married to a person of the name

name of Turnbull, or even that he had been twice married: but it has never been in his power to produce any proof or authority in support of either of these conjectures.

On the part of the Castelmilk family it had been asserted, that Dame Janet Keith was the mother of Sir John Stewart of Derneley, and of the other children of Sir Alexander Stewart; and it was mentioned, that there is a charter granted by her, wherein she expressly describes and acknowledges Sir John Stewart of Derneley as her son; this was considered as affording some degree of proof at least; but Mr. Williams holds this to be no proof at all; and prefers to it a strange reasoning, founded solely on his own conjecture, that Janet Keith called Sir John Stewart of Derneley her son merely because he was her husband's son; and for supporting this conjecture, he says that several instances can be produced of similar applications of the word *son* to a person who was not the son of the wife but the son only of the husband. — To this shift Mr. Williams was reduced in order to evade the force of the second Objection.

As to the third Objection, founded on the chronological difficulties and inconsistencies, Mr. Williams has been at much pains to remove or to reconcile these: but it will be found that in the execution of his plan for that purpose, he resorts to his usual method of substituting conjectures and suppositions instead of any solid proof. The repetition of these conjectures here is avoided as being too tedious, and not of sufficient importance.

Mr. Williams's answer to the third Objection.

With regard to the fourth Objection, Mr. Williams's method of eluding it deserves particular attention. He could not deny that, if the ordinary and established meaning of the word *quondam* be admitted, the authentic original deed discovered in Lord Minto's archives, does ascertain the fact that both Sir William Stewart of Jedworth and John Turnbull of Minto were deceased before March 1425. Neither could he deny, that if Sir William Stewart was dead before the month of March 1425, he could not possibly be the same Sir William Stewart who lived till the year 1429, and was killed in the wars in France in that year. But the ingenious device resorted to by Mr. Williams for getting rid of these unfortunate objections is, by first assuming it as a fact, without any manner of proof, that Sir William

Answer to the fourth Objection.

Stewart of Jedworth had gone to France about the year 1419, and had not returned to Scotland for several years. Then, after assuming this fact without any proof, he builds upon it another conjecture or supposition, that on account of Sir William Stewart's supposed absence from Scotland from 1419 to 1425, the notary in drawing up his instrument in the year 1425, *may* have described him as *quondam* Sir William Stewart de Jedworth, not on account of his being dead, but on account of his not having been resident in Jedworth for six or seven years past.

On reading answers of this sort, there is some difficulty in being persuaded that the author of them could be in earnest; or if he thought that such answers could be satisfactory in any quarter, he must have entertained a very mean opinion of the understandings of those to whom they were addressed.

Result of the
Objections and
Answers.

It may now therefore be taken for granted, that all the four objections above stated remain in full force. And it has already been observed that without refuting all and each of these objections, Lord Galloway's claim and pretensions must fall to the ground.

From the specimen which has been given of the mode of reasoning employed by Mr. Williams in supporting Lord Galloway's cause, and in which he has upon most occasions been faithfully and implicitly followed by his anonymous friend, it will excite no surprise to perceive the same mode of reasoning employed by these same authors upon other occasions. It may be proper however to point out some memorable instances.

Attempts to make it be believed, that Sir WILLIAM STEWART of JEDWORTH was the same person as Sir WILLIAM STEWART of CASTELMILK, and that he possessed both these Estates.

THE necessity of proving, or making it appear probable, that Sir William Stewart of Jedworth was the son of Sir Alexander and the brother of Sir John Stewart of Derneley, had for some years been so apparent to those who acted for the Earl of Galloway, that every effort has been employed to gain credit to these conjectures. In that view, the first thing necessary
was

was to shew the identity of Sir William Stewart of Jedworth with Sir William Stewart of Castelmilk. There was, therefore, no hesitation in supposing, or asserting that the lands of Castelmilk in Annandale, as well as the lands of Jedworth in Teviotdale, had belonged to Sir William Stewart of Jedworth; and that, in consequence thereof, he was sometimes described as Sir William Stewart of Jedworth, and at other times as Sir William Stewart of Castelmilk. But of this fact, which, if true, admitted of many proofs, not one particle of evidence has been produced or referred to; though the fact be frequently asserted both by Mr. Williams and by his anonymous admirer.

The only appearance of an authority for the supposition of Sir William Stewart of Jedworth having been sometimes described of Jedworth and at other times of Castelmilk, is an assertion without proof, by George Crawford the antiquary, who, in his genealogical account before mentioned, made out for the use of the Earl of Galloway's family, says that Sir William Stewart was sometimes described of Jedworth and at other times of Castelmilk, and at other times Sir William Stewart sheriff of Teviotdale; all which designations he says were descriptive of the same person. This conjecture of Crawford's may have led some other authors who wrote after him into the same error. But if Lord Galloway place any reliance on this part of George Crawford's Genealogical History, he must at the same time adopt that other part of the same history where Crawford so positively affirms, and gives his reasons for believing, that Sir William Stewart of Jedworth was taken prisoner at the battle of Homildown, and that he was tried, condemned, and executed soon after; for it cannot be permitted to Lord Galloway, or to those who write for him, to adopt one part and to reject another part of that same Genealogical History. And if the truth of Sir William Stewart of Jedworth's death in 1402 be admitted, Lord Galloway may make what use he thinks proper of George Crawford's assertion or conjectures concerning Sir William Stewart's having been sometimes designed of Jedworth, and at other times of Castelmilk.

Suppositions

Suppositions adopted for making Sir WILLIAM STEWART of JEDWORTH's age correspond with that of a son of Sir ALEXANDER STEWART of DERNELEY.

IN order to make Sir William Stewart of Jedworth's age correspond with the age of a second son of Sir Alexander Stewart of Derneley, and to increase the probability of his being of an age proper for engaging in the wars of France from the year 1419 to the year 1429, it became necessary, in the next place, to remove any unfavourable impressions that might arise from the contract of marriage in 1396, which proved that Sir William Stewart of Jedworth had at that time a son John who was marriageable, and actually married in that year. For this, Mr. Williams had a very easy solution; for, without appealing to any proofs or authority whatever, he takes it for granted, that though the marriage ceremony was solemnized in the year 1396, yet that John and Marion Stewarts were then so very young that the cohabitation or completion of the marriage was deferred till they should attain maturer years. One may be allowed to ask from what quarter did Mr. Williams receive this information? — How came he to be let into those family secrets, which appear to have been unknown to any other author?

This mode of reasoning, and of substituting conjectures for proofs, has, however, been completely adopted by the anonymous writer, pages 51 and 52, for he too avers, “that Marion and John Stewarts were very young “when they were betrothed; that the lady could not have greatly exceeded her *ninth* or *tenth* year; and that her husband was *to all appearance* “not much older.” And he likewise affirms that the marriage ceremony was early solemnized, and that “*the cohabitation was deferred to a maturer* “*period.*” On reading the accounts given of this marriage, and of the transactions connected with it in the year 1396, by Mr. Williams, and by his anonymous friend, one would be tempted to think that both of them had been witnesses to the marriage, and had enjoyed the intimate confidence of the infantine married couple, to whose stature and juvenile appearance they seem to have paid particular attention.

Conjectures,
reasonings,
and facts
blended to-
gether.

A curious specimen of the mode of blending together conjectures, reasonings, and facts, or supposed facts, and with an appearance too of references to proofs in support of them, will be found in pages 14, 15, and 16, of

Mr. Williams's "View of the Evidence for Lord Galloway," &c.; and also in pages 54 and 55 of the anonymous book.

Let us first hear Mr. Williams's Statement.

Page 14, 15. "It is asserted in Harding's Chronicle, Redpath's History of the Borders, p. 367, &c. that at the expiration of the truce, about the end of the year 1400, Sir Richard Rutherford and his sons, *Sir William Stewart*, John Turnbull, surnamed *Out with the Sword*, &c. made an irruption into England, where they were attacked and taken prisoners by a superior force under the command of Sir Robert Umfraville. King Henry IV. ordered that the prisoners should not be ransomed, and gave directions *that they should be carried to the Tower of London*. Rymer, vol. viii. p. 162, &c. *." By Mr. Williams.

Page 16. "On the accession of Henry V. to the throne, orders were given to set at liberty all the Scots prisoners confined in the Tower of London, Rymer's *Fœdera*, vol. ix. p. 5, &c. Whether Sir William Stewart was released at this period is uncertain. It appears probable however, if the following authorities may be confided in, and can be supposed to relate to him, that it was on this occasion that he obtained his liberty. Sir John Stewart of Derneley having been dispatched by the Dauphin to Scotland for reinforcements, he speedily returned (according to the historians of the time) with a very respectable armament; vide Duncan Stewart's History of the Stewarts, Mackenzie's Lives, vol. i. p. 363. Rymer, vol. ix. p. 795, &c. The following commanders are named among the chieftains who embarked on that expedition:—the Earl of Buchan and his brother, the Earl of Wigton, Sir John Swinton, Sir William Stewart, Sir William Douglas, Sir John Turnbull, &c." In an account of the battle of Cravant, 1423, preserved among the Harleian MSS. No. 782. Sir John Turnbull is mentioned as one of the Scots commanders who fell in that action. In Trussell's Life of Henry VI. page 124. a similar account is given. This, in all probability, must have been Sir John Turnbull, surnamed *Out with the Sword*, the constant com-

* It is not said in Rymer, or in any other book hitherto discovered, that Henry had given directions that the prisoners should be carried to the Tower of London. From what authority Mr. Williams has stated this fact does not appear.

“panion of Sir William Stewart of Jedworth. In Hall and Grafton’s
 “Henry VI. vol. 24. “Sir William Stewart *lately delivered out of prison*”
 “is named among the commanders of the Scots forces in France.”

In this mixture of facts, and references ridiculously erroneous, there seems to be such a studied confusion, that it is not easy to guess at the precise points meant to be established by them. It may be proper, therefore, to see in what manner the same facts and references have been adopted by the anonymous author, who states them with less apparent confusion, but with more precise and positive assertion.

By the Anonymous.

The account given by him in pages 54 and 55 is thus expressed :

“Sir William Stewart, about the end of the year 1400, in conjunction
 “with Sir Richard Rutherford and his sons, John Turnbull, surnamed
 “Out with the Sword, and several other chieftains, made an irruption into
 “England; but, being suddenly attacked by a superior force under Sir
 “Robert Umfraville, the whole were completely surrounded and taken
 “prisoners *. King Henry IV. who had now succeeded to the throne of
 “England, issued orders to prevent the ransom of the Scottish prisoners,
 “and they accordingly were carried to the Tower of London †.

“It is not until the year 1419, when succours were sent from Scotland
 “to the Dauphin, afterwards Charles VII. of France, that we again hear
 “of Sir William Stewart. Henry V. it seems, not long after his accession,
 “permitted the release of the captives; and, on that occasion, *Sir William*
 “*appears to have regained his liberty.* By the historians who delineate this
 “period, “*Sir William Stewart, lately delivered out of prison,*” is named as
 “among the commanders in the French expedition ‡. The principal lead-
 “ers were the Earl of Buchan, the Earl of Wigton, (eldest son of Archibald
 “Earl of Douglas,) Sir John Stewart of Derneley, Sir William Stewart of
 “*Jedworth and Castelmilk*, Sir John Swinton, Sir John Turnbull, &c. seem-
 “ingly the same who was surnamed “*Out with the Sword*” §, the faithful
 “companion of Sir William Stewart in many of his enterprises.”

* See Harding’s Chronicle. Redpath’s History of the Borders, p. 367, &c.

† Rymer, Fœd. Angl. tom. viii. p. 162.

‡ Hall and Grafton’s Henry VI. v. 24.

§ See an account of the battle of Cravant preserved among the Harleian MSS. No. 782.

The paragraphs above quoted from the works of Mr. Williams, and of the anonymous author, are meant to supply the place of proofs, in order to establish various important facts; and as they are the only foundation on which the whole fabric is built, it may be proper here to point out precisely the various propositions which were meant to be established by them in favor of Lord Galloway's cause.

The object of the first part of the accounts given both by Mr. Williams and by the anonymous writer, was to get rid of the difficulty arising from the facts related in the Scoti-Chronicon and in Winton's Chronicle, which so clearly ascertained that Sir William Stewart of Jedworth was taken prisoner at the battle of Homildown, and what followed upon it. For this purpose they have endeavoured to establish a belief, that Sir William Stewart was a prisoner in the Tower of London at the time of the battle of Homildown, therefore could not have been at that battle, nor suffered death in consequence of it.

The imaginary imprisonment of Sir William Stewart of Jedworth in the Tower of London.

There is no occasion to dispute the incursion made into England about the year 1400, by Sir Richard Rutherford and his sons, John Turnbull, and others, and their being defeated by Sir Robert Umfraville. Neither is it necessary to dispute, that King Henry IV. ordered that the prisoners taken on this occasion should not be ransomed: but there is no evidence that any of the prisoners so taken were ever sent to the Tower of London; or that there was any order of King Henry for that purpose. Nothing of that sort is to be found either in Rymer, or in any other author; for, admitting that King Henry gave an order against ransoming or setting free the prisoners, it does not follow, that all or any of them had been sent to the Tower of London;—still less is there any evidence of Sir William Stewart of Jedworth having ever been committed a prisoner to the Tower of London; nay, the name of Sir William Stewart is not found in Rymer's *Fœdera* on this occasion, or in any record mentioning the prisoners taken in 1400. And even if he had been taken prisoner and sent to the Tower of London, it would not follow from thence that he had been detained there for any considerable time, or that he was a prisoner there at the time of the battle of Homildown. And as there is very positive, strong, and direct evidence, from respectable contemporary authorities, that Sir William Stewart of

Refutation of that supposition.

Jedworth was at the battle of Homildown, and that he was there taken prisoner, and immediately thereafter tried, condemned, and executed:—such positive authority must greatly outweigh the loose and unfounded conjectures which have been brought forward by Mr. Williams, and adopted by his anonymous follower, for inducing a belief that Sir William Stewart of Jedworth was a prisoner in the Tower of London at the time of the battle of Homildown.

For the purpose of disengaging Sir William Stewart from the battle of Homildown, it was necessary that he should be supposed to have been a prisoner in the Tower of London at that time; but it was also necessary that he should be liberated from his confinement there before the expedition to France took place, that he might not miss the opportunity of embarking in that expedition. For this purpose, Mr. Williams says, that on the accession of Henry V. to the throne (which was in the year 1413) orders were given to set at liberty all the Scottish prisoners confined in the Tower of London;—then he adds, “whether Sir William Stewart was released at this period is uncertain, but that it appeared *probable* however, that it was on this occasion that he obtained his liberty.” This fact is stated with less ambiguity, and more positiveness of assertion by the anonymous writer, in these words: “It is not until the year 1419, when succours were sent from Scotland to the Dauphin, afterwards Charles VII. of France, that we again hear of Sir William Stewart. Henry V. it seems, not long after his accession, permitted the release of the captives, and on that occasion Sir William Stewart *appears to have regained his liberty.*”

The authority appealed to for this, is Rymer, vol. ix. p. 5.—But on consulting that authority, it by no means supports the assertion; for there is no mention there of the name of Sir William Stewart, or of his being liberated from custody at that time. On the contrary, the order, dated 12th April 1413, directed to the constable of the Tower of London, particularly mentions the persons * who were then to be liberated, without any

* Their names are, Jacobus de Douglas, Chivaler, Thomas de Hamylton, Johannes Aulway, Willielmus Bryfon, Johannes de Bowys, Thomas Crac, Alanus de Ormylton, Johannes Lyonn, Gilbertus Cavane, Dogallus Dromond, Adam de Cockburn, Alexander Shell, Willielmus Akynhed, Georgius Shell, Johannes Dugan, Jacobus Patrici, Willielmus Bron, Bernardus de Cockburn, Johannes Peterfon, Johannes Home, Willielmus Patrykfon, Johannes Welles, Johannes Skymezour, and Gilbertus de Dalrympill.

mention of Sir William Stewart, who was a person so considerable and so well known both in England and Scotland, that it is most unlikely that his name should have been omitted if he really had been one of the prisoners released on that occasion.

After taking these preliminary steps to render it possible for Sir William Stewart of Jedworth to have embarked in the expedition to France in the year 1419, (notwithstanding his supposed confinement in the Tower of London in 1400, and his real trial, condemnation, and death in 1402,) Mr. Williams and his follower next endeavour to prove, that Sir William Stewart actually did embark in that expedition, and that he remained in France till the time allotted by them for his death in 1429. But neither his going to France, nor his remaining there, are supported by any proofs, or by any thing deserving the name of evidence.

Instances of false Quotations and of Misrepresentation of Evidence.

THERE is indeed in the anonymous book, p. 55. one paragraph concerning the commanders in the French expedition, which, if supported by evidence, would establish, in a satisfactory manner, two facts very material for the Earl of Galloway, to wit, 1st, That Sir William Stewart of Jedworth and Sir William Stewart of Castelmilk were one and the same person,—and 2dly, would establish with great certainty, that Sir William Stewart of Jedworth did actually belong to the French expedition, and was killed there in the year 1429.—The paragraph here referred to is in the following words: “The principal leaders were the Earl of Buchan, the Earl of Wigton, (eldest son of Archibald Earl of Douglas,) Sir John Stewart of Derneley, Sir William Stewart of *Jedworth* and *Castelmilk*,” &c.

Every person who reads the above sentence (which is given with the mark of quotation, must be persuaded that the author meant to convey this idea, that he had copied these names and descriptions from some faithful history or authentic record, in which Sir William Stewart is described as Sir William Stewart of *Jedworth* and *Castelmilk*. This, if true, would be material evidence indeed. — But there is nothing of this sort said or insinuated in any of the authorities appealed to by the anonymous author, or in any book

or record hitherto discovered. — In short, it rests upon no other than his own authority.—He alone is responsible for the deception practised by this mode of false quotation; for even Mr. Williams had not gone the length of pretending that there was any authority for describing Sir William Stewart who went to France, as Sir William Stewart of *Jedworth* and *Castelmilk*.

Another deception has been practised upon this occasion, for which both Mr. Williams and the anonymous author are equally responsible. Mr. Williams, p. 16. of the "View of the Evidence," &c. has the following expression: "In Hall and Grafton's Henry VI. vol. 24. 'Sir William Stewart lately delivered out of prison' is named among the Commanders of the Scots forces in France." And, to the same purpose, the anonymous author, p. 55. in relating the events of the year 1419, has the following paragraph: "By the historians who delineate this period, 'Sir William Stewart lately delivered out of prison' is named as among the Commanders in the French expedition." And the authority appealed to is the same with that to which Mr. Williams refers, to wit, Hall and Grafton's History of Henry VI. vol. 24.

From this mode of quotation, it was with some difficulty that the books referred to could be discovered: for there is no such book as Hall and Grafton's History; and no history by either of them that extended to 24 volumes. There is a very small book of the size of an Almanack, intitled "Manuell of the Chronicles of England to 1565, by Richard Grafton," printed in London, in 24mo. — In this Manuel there is not one word relating either to Sir William Stewart or to the leaders of the Scottish army in France. There is indeed a history, by Edward Hall, intitled "The Union of the Families of Lancaster and York," in one volume folio, which is sometimes mentioned under the title of Hall's Chronicle; but neither does that come up to the assertion concerning it.

It is to be presumed that both Mr. Williams and the anonymous writer had read the books to which they refer; if so they must have been perfectly sensible that their mode of quoting the evidence could serve only to mislead, Their purpose was evidently to make it be believed that the same Sir William
liam

liam Stewart of Jedworth, who, according to their erroneous representation, had been imprisoned in the Tower of London, and detained there from the year 1400 till released by King Henry V. in 1413, was the very person who was one of the leaders of the Scottish expedition to France in the year 1419; and they borrow the aid of some words in that history of Hall for supporting that supposition.

It is true that Hall has taken occasion to mention some of the battles in France between the English and French in the time of Henry V. and Henry VI. particularly those of Crevant and Rouvroy; and in giving an account of the battle of Rouvroy, fought in February 1429, and of the persons of distinction killed at that battle, he has expressed himself thus :

“ When they came to a town called Rouvroy they perceived their enemies
“ coming against them, to the number of 9 or 10,000 Frenchmen and Scots,
“ the Captains whereof were Charles of Clermont, son to the Duke of
“ Bourbon, then being prisoner in England, Sir William Stewarde constable
“ of Scotland, *a little before delivered out of captivity*, the Earl of Perdreache,”
&c. &c.

“ In this conflict were slain Lord *William Stewarde constable of Scotland*
“ *and his brother*, the Lord Dorval, the Lord Delabrette,” &c. &c.

But these passages have no relation to any event in England or Scotland, or to a Sir William Stewart *lately delivered out of prison* in either of these countries. For it will appear clear to demonstration, from what is immediately to be stated, that these passages in Hall relate, and were meant to relate to Sir John Stewart of Derneley, the constable of the Scottish army in France, who, having been taken prisoner at the battle of Cravant in 1423, had been detained in captivity till a little before the battle of Rouvroy; when, according to some authors, he was exchanged for Lord Pole, brother of the Earl of Suffolk; though other French authors say that he was exchanged for the Marshal Toulangeon. It was of that Sir John Stewart, the constable of the Scottish army, and of his release from captivity in France, that Hall evidently meant to speak. But that passage, and particularly that expression of “ *lately delivered out of captivity*,” have been made use of by Mr. Williams and by the anonymous writer, as proofs that Hall meant to describe Sir William Stewart of Jedworth as a person lately delivered out of the Tower of London, or, according to
their

their own phrase, lately delivered *out of prison*; by which they meant to convey the same idea, and instead of repeating the words made use of by Hall "lately delivered out of *captivity*," substituted the words "lately delivered out of *prison*," that it might the more readily convey the idea of a deliverance from his supposed prison the Tower of London.

There are infallible circumstances, which put it beyond a doubt, that Hall had inserted the name of William by mistake, in that passage, instead of the name of John. It is impossible for any person who reads the account given by Hall, and who has any knowledge of the history of those times, not to perceive that the person to whom that account refers, was Sir John Stewart of Derneley, the constable of the Scottish forces in France; for Hall's description of Sir William Stewart as the constable of Scotland, is one circumstance for pointing out the mistake; there was no Sir William Stewart either constable of Scotland or constable of the Scottish army in France; that office belonged solely to Sir John Stewart of Derneley, the elder brother of Sir William. The mistake is further made evident from other parts of his history: thus, fo. 85. in giving an account of the battle of Cravant, Hall expresses himself thus: "In this very season the Dolphin sent *Lord William Stewarde constable of Scotland*, and the Earl of Ventadour in Auvergne, and many other nobles of his part, to lay siege to the towne of Cravant." — And among the prisoners taken on that occasion, Hall mentions "*the constable of Scotland which lost his eye.*"

It is well known, and is ascertained beyond a doubt, by the writings of every French and British author who has ever treated of the subject, that Sir John Stewart of Derneley was the General of the Scottish force at the battle of Cravant, and that he lost an eye and was taken prisoner at that battle. Nobody will pretend that the same circumstances happened also to a Sir William Stewart; therefore it must have been very obvious to the meanest capacity, that what Hall says of a Sir William Stewart constable of Scotland, and of his losing an eye and being made prisoner at the battle of Cravant, could only apply to Sir John Stewart of Derneley, the elder brother; though the name of William had by him been inserted by mistake, instead of that of John Stewart.

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The meaning of these paragraphs in Hall is so obvious that it was scarce possible for any person to mistake them ; yet both Mr. Williams and the anonymous writer have, by their modes of quotation, and by their inferences from them, endeavoured to pervert the passages in Hall's history, and to use them as positive proofs that Sir William Stewart of Jedworth was in the expedition to France in the year 1419, and one of the leaders of it. The anonymous writer, in particular, appears to have trusted greatly to his arguments and inferences drawn from the circumstance of Sir William Stewart being mentioned as *lately delivered out of prison* ; he places much emphasis on that expression, as involving in it a great deal of proof ; thus, p. 93. his words are : " But lest any doubts should remain as to the identity of the brother of " Sir John Stewart of Derneley, he is expressly described as " Sir William " Stewart *lately delivered out of prison* ;" having regained his liberty, as has " been already related, soon after the accession of Henry V. to the " English throne." Hall, however, does not pretend to give any account of the leaders engaged in that expedition ; neither has that part of his book any reference to events in England or in Scotland ; what he there treats of relates solely to events in France. The expression in Hall is "*a little before* " delivered out of captivity." Though this applies very well to Sir John Stewart of Derneley's deliverance from captivity, by an exchange prior to the battle of Rouvroy in 1429, after being made prisoner of Cravant in 1423, yet it could not be well applied to a person released soon after the accession of Henry V. in 1413.

In short, Hall's account differs in every essential particular from the use that has been made of it ; for it relates to a different *person* and a different event, which happened in a different country and at a different *period*.

The purposes to which the particulars in Hall have been perverted, both by Mr. Williams and his anonymous friend, are to prove that Sir William Stewart of Jedworth had, in the year 1419, a little after his being released out of prison in the Tower of London, (where by the bye he never was,) engaged in the expedition then fitting out from Scotland to France ; that he was one of the leaders in that expedition, and that he had remained in France till the year 1429, when killed at the battle of Rouvroy.

After

After such instances of false quotations and palpable perversion of evidence, what reliance can there be on the fidelity of the assertions, conjectures, or arguments of these two authors or either of them?

The real fact is, that Sir William Stewart of Jedworth never belonged to the French expedition. No historian of those times has ever said that he did belong to that expedition. Mr. Williams and the anonymous author have, however, after the communication of my papers, thought proper to transfer to Sir William Stewart of Jedworth all the facts and circumstances which I had discovered relating to Sir William Stewart of Castelmilk, the real brother of Sir John Stewart of Derneley. Thus they apply to their Sir William Stewart the articles which I had discovered in the French records at Paris, really appertaining to Sir William Stewart the brother of the constable of Scotland; and they likewise apply to Sir William Stewart of Jedworth all that I had discovered in the French historians concerning the employment and services of Sir William Stewart, the real brother of Sir John of Derneley, during the siege of Orleans; and the behaviour of the two brothers when they lost their lives at the battle of Rouvroy. In short, they have applied to their Sir William Stewart all the facts and circumstances gathered by them from the papers containing the discoveries I had made in France, and of which they never had any idea till they had seen these papers.

Such is the true and faithful interpretation of Mr. Williams's dreams and reveries concerning Sir William Stewart's confinement as a prisoner in the Tower of London in the year 1400; his release from thence upon the accession of Henry the Vth in 1413; and his consequent employment about the year 1419, as one of the leaders of the Scottish expedition to France. All these visionary events have vanished on their being brought to the test of proofs, and to a comparison with certain established historical facts.

Mr. Williams, indeed, has had the good, or bad fortune to meet with one very complaisant friend and professed admirer, who has not only adopted all his reveries, but has shewn a ready disposition to go even beyond him in the marvellous or incredible. From this anonymous friend he has had the benefit of every support in his power to give, for endeavouring to reconcile the greatest improbabilities, or the grossest absurdities.

Not

Not satisfied with having engaged Sir William Stewart of Jedworth in the French expedition, these two modern authors have gone one step further, by embarking in the same expedition John Stewart who married Marion, the heiress of Dalwinton; and they have supposed him to have been engaged in active service, and to have lost his life in battle in France, in the first campaign after his arrival there, about the year 1420. It will be found that the whole of the part thus allotted to John Stewart, the son of Sir William, is a work of imagination, with no other foundation than their own assertions or conjectures.

Account given by the Anonymous Author of the Expedition to France, and of the Persons embarked in it.

THE following assertions are made by the anonymous author from page 58 to page 64.

“ When Sir John Stewart of Derneley embarked for France in 1419,
 “ it appears that he was accompanied by a considerable number of
 “ friends and kinsmen, as well as a most respectable body of military
 “ retainers. His brother *Sir William Stewart of Jedworth*, and *his cousin*
 “ *Sir Alan Stewart of Allantown*, were, *without doubt*, among the number
 “ of those who engaged in the expedition. It is likewise *believed*, and with
 “ considerable *probability*, that both the sons of the former took up arms
 “ in the same cause.”

The mode of proving the facts above stated, is by asserting that there can be *no doubt* that these facts happened.—It is not easy to answer this method of appealing to facts declared to be indubitable; but it would have been rather more satisfactory to have appealed to some proofs.

I, in common with many others accustomed to legal evidence and correct proofs, have the misfortune of not being completely convinced by this mode of stating facts. It would have been esteemed a particular favor if the author of the above indubitable assertions had been so good as to have indicated any book or record where it is said, or even insinuated, that Sir William

Stewart of Jedworth ever accompanied Sir John Stewart of Derneley to France ; or where it is mentioned that Sir Alan Stewart of Allanton was of the party ; for I do declare, that in all my researches I have never found any real authority, either in French or English records or books for either of these facts. As to the last of them, it is a matter of no consequence ; only as it is the first time that this new personage, Sir Alan Stewart of Allanton, has been united to the French expedition, I have a little curiosity to know by what means, and for what purpose, this Sir Alan Stewart has been brought into the field*.

The

* It is not impossible that this introduction of Sir Alan Stewart upon the French theatre, may have taken rise from the same conversation which is related in pages 137 and 138 of the anonymous book, where the author gives an account of what had passed between him and his friend, Mr. Stewart of Allanton, on the subject of what he calls an unaccountable omission in the table prefixed to the genealogical history drawn up by me. He says, that Sir Robert, the sixth son of Sir John Stewart of Bonkyl, whose descendants formed one of the most extensive branches of the Stewart race, had been there omitted, which omission, he takes notice, is now supplied by him in a genealogical table subjoined to his book.

Though the conversation thus related by my latent antagonist contains heavy charges against me, yet as it exhibits a perfect model of decency, gentleness, and urbanity of expression, I cannot abstain from inserting the whole of what is stated by him on that subject, in his own words :

Page 137. " Before I filled up the place of the sixth son of the house of Bonkyl in my genealogical sketch, I thought it right to apply to the person at the head of that branch of the name (Mr. Stewart of Allanton) in order to learn, why the existence of a race so uniformly recorded by every genealogist, since the time of Symson, was at length arbitrarily suppressed by the author of the Genealogical History of the Stewarts ? The gentleman just now mentioned, after *producing to me very satisfactory documents of his descent from the above Sir Robert Stewart*, who was designed ' of Daldüe,' made answer nearly to the following purport :—" The question, Sir, which you put, I know not if I can well answer ; as, ever since I saw Mr. Andrew Stuart's book, the circumstance has puzzled myself ; I cannot conjecture why the author of that work (in which no labour of *investigation* seems to have been spared) did not, on the point in question, prefer a *more* to a *less* obvious source of intelligence, a direct application to myself (which *he never made*) to the lower office of retailing the ignorance of Symson, or the ambiguities of Duncan Stewart. The only reason I can conceive is, that perhaps he thought the descendants of a sixth son of the house

" of

The account given by the anonymous author, of the persons who accompanied Sir John Stewart of Derneley to France in the year 1419, has been stated above. He then proceeds, page 60, thus :

“ Previous

“ of Bonkyll were beneath the notice of an ambition, which was endeavouring to grasp at the honours of the *first*. Or, perhaps, his opinion may have been, that the highest merit consists in the most remarkable *singularity*; and, therefore, in his invasion of the rights of Lord Galloway, as he had advanced a theory peculiar to himself, so another opportunity, like the present, might not easily occur, for evincing how completely he differed from every writer of established credit. As you, Sir, have undertaken, on the part of the noble Earl, to refute the dogmas of a self-deluded genealogist, I shall take it kind if you will adopt some method of entering this my protest against the usurpations of a self-created dictator.”

“ I hope the above gentleman, who has certainly some cause of complaint, will think that I have not been neglectful of either the one or the other of these objects; and that I have reported his protest with due fidelity.”

Having thus shewn the full extent of the charge brought against me, I may now be permitted to say a word or two in my own defence.

Soon after the publication of the Genealogical History, I learnt from a very respectable acquaintance of mine, connected with the family of Mr. Stewart of Allanton, that his friends were rather surpris'd, and regretted that I had not, in that work, and in the table prefixed to it, traced the ancestors of the Allanton family. My answer was, that I was very ready to do so, if I had any proper authority to appeal to; which I had not hitherto been able to discover. As I had a regard for the gentleman who thus applied to me, I thought it incumbent on me to explain to him how this matter stood, and accordingly I wrote to him the following letter :

“ DEAR SIR,

Lower Grosvenor-Street, Dec. 18, 1798.

“ I am favoured with yours of this day's date, and in consequence have looked at the table prefixed to the Genealogical History, where, in mentioning the descendants from the first Sir John Stewart of Bonkyll, there is the following N. B. “ Some authors have mentioned, though doubtfully, the existence of two other brothers, Hugh and Robert, but there is no certain evidence concerning them, or any person descended from them.”

“ The above *notandum* is in effect nothing more than repeating the words or doubts expressed by the genealogical writers concerning the existence of Hugh and Robert, or concerning any posterity from them. For you will observe, that Symson in his history of the Stewarts, published in the year 1712, expresses himself thus :

“ 6th and 7th sons—Sir Hugh and Sir Robert, mentioned by Holinshed, in his Chronicle of Ireland, anno 1318,—*whose existence I am not to defend.*”

“ Previous to the year 1418, (but how long it is uncertain,) Marion
 “ Stewart lost her father: on this her husband, succeeding to the ample
 “ possessions of the latter, became Sir John Stewart of Garlies and Dal-
 “ fwinton,

“ This manner of expressing himself shews clearly that Symson did not believe the
 “ existence of Hugh and Robert as sons of Sir John Stewart of Bonkyll.

“ Duncan Stewart, in his history of the Stewarts, published in the year 1739, says, that
 “ Sir John Stewart had by his wife Margaret seven sons and a daughter; and in enumerating
 “ the sons, mentions Hugh as the 6th and Robert as the 7th son, but Duncan Stewart here
 “ adds these words: “ It is not discovered who are come of the two last brothers, or if
 “ there are any come of them, unless it be allowed that Allanton is come of one of them;
 “ for, by their own traditional account, their predecessor was an immediate younger brother
 “ of Castelmilk.”

“ Symson and Duncan Stewart being the only genealogical writers in whose works I have
 “ found any mention of Hugh and Robert as sons of Sir John Stewart of Bonkyll, and that
 “ expressed in the way abovementioned, and never having seen any certain evidence of the
 “ existence of Hugh and Robert, or of any posterity descended from them, I could not, in
 “ that situation, express myself otherwise than I have done in the *notandum* on that subject.
 “ But if any person can shew certain evidence concerning Hugh and Robert, or posterity
 “ descended from them, that *notandum* must go for nothing. And if any satisfactory evi-
 “ dence could be shewn to me of a mistake either in this or in any other part of the book,
 “ I should with great readiness embrace the very first opportunity of correcting the error;
 “ which might be done in the next edition that comes out of the book.

“ As to the Tree referred to in your letter drawn up by a person of the name of Brown,
 “ who has mentioned Robert as the ancestor of the Allanton family, I have seen the Tree,
 “ and know the history of it, and can assure you that it is no authority whatever, and
 “ never will be considered as such. Indeed no Genealogical Tree is deserving of credit, or
 “ can be considered as a proof of facts, without specifying and referring to the proofs from
 “ which the Tree is made out.

“ If Mr. Stewart of Allanton is possessed of any very old papers, tending to shew what
 “ lands belonged to his ancestors in remote times, it might be very practicable to ascertain
 “ the genealogy of his branch of the Stewarts, in such a manner as would be satisfactory for
 “ shewing, whether most credit was due to the traditional account of their being descended
 “ from a younger son of the Castelmilk family, or from a Robert Stewart, supposed to have
 “ been seventh son of Sir John Stewart of Bonkyll.—And it must be abundantly evident,
 “ that it would be more desirable for the Allanton family to be descended from a son of
 “ the Castelmilk family, who are descended from the second son of Sir John Stewart of
 “ Bonkyll, than to connect their pedigree and descent with Robert, the seventh son of Sir
 “ John Stewart of Bonkyll; especially considering all the doubts that have been thrown out
 “ by

“ swinton, and resigned, according to a practice very usual with his family,
 “ his lands of Castelmilk to his younger brother Sir William. The sale
 “ of the estate of Kelly in 1418, and of that of Garnfalloch two years after,
 “ seem

“ by authors relative to the reality of the existence of that seventh son. But the determin-
 “ ation, in matters of this sort, must depend upon the facts indicated by the ancient title-
 “ deeds; and of this, Mr. Stewart of Allanton and his friends will be the best able to
 “ judge. I am, &c.

“ AND^r. STUART.”

I had no objection that my correspondent should communicate this letter to his friend Mr. Stewart of Allanton; and I presume that he did so. But perceiving from the anonymous book published since that time, that the author of it says, that Mr. Stewart of Allanton had produced to him very satisfactory documents of his descent from Sir Robert Stewart, son of Sir John Stewart of Bonkyll, which documents, however, he has not chosen to produce to me, or to any person of my acquaintance, I took the trouble of again examining all the materials within my reach concerning the descendants from Sir John Stewart of Bonkyll; being resolved, if I had been guilty of any error or omission, to take the very first opportunity of repairing it; especially as I have a great respect for some of the branches descended from the Allanton family, and have long lived in friendship and connexion with them, particularly with the families of Sir James Stewart of Coltness and of Sir John Stewart of Allanbank. But this further investigation of what related to the family of Sir John Stewart of Bonkyll has produced a certainty, that he, Sir John Stewart of Bonkyll, never had a son of the name of Robert; and that the introduction of Robert and of Hugh Stewarts, as sons of Sir John of Bonkyll, had taken rise merely from a false interpretation by Symson of a passage in Holinshed's Chronicle of Ireland. This is fully explained in pages 1, 2, 3, of these Corrections and Additions.

Such being the result of the additional investigations to which I was compelled by the anonymous author, I cannot help observing, that there must certainly be something particularly noxious in having any connexion with him; for I am afraid it will be found, that Mr. Stewart of Allanton's family have as little obligation to him as the Earl of Galloway's.

I have felt much regret at the necessity I have been under of bringing forth such undeniable proofs that the family of Allanton are not descended from Sir John Stewart of Bonkyll, brother of James, the High Stewart of Scotland. This may not prove any matter of regret to those branches of that family with whom I have had the pleasure of being long connected; but I very much fear, that Mr. Stewart of Allanton, who had the conversation with the anonymous author, and who shewed to him the satisfactory documents he mentions, may be rendered somewhat uneasy, I hope, however, he will revenge himself upon the anonymous author, who well deserves his utmost resentment, and that he will endeavour to forgive me for my involuntary act.

I have

“ seem to have been brought on by the heavy expences incurred in raising
 “ his contingent of troops for the French expedition. The common opi-
 “ nion states, that he was killed in France, in 1419 or 1420, soon after
 “ the arrival of the Scottish forces. However that may be, it is unquestion-
 “ able that he did not long survive that event, for his lady had become a
 “ widow at the close of the last-mentioned year.”

All these facts and conjectures had been asserted or insinuated some years ago by Mr. Williams, in his papers which I had occasion to peruse ; and as he had the benefit of my written observations upon them for correcting his errors, I imagined that he would have found it more prudent to have avoided the repetition of them. These observations were inserted in the Memorial concerning the Pedigree of Sir William Stewart of Jedworth, and being now printed from page 33 to page 44 of these Additions, I beg leave to refer to them.

It there appears, that Sir John Stewart of Dalswinton certainly died before the 28th of October 1420, and may have died a considerable time before that period, as Marion Stewart, in a charter of that date, granted by Murdoch Duke of Albany, is described as his widow ; therefore, her husband, Sir John Stewart, who was alive in October 1418, must have died either in that year, or in the year 1419, or before the month of October 1420. If he died either in the year 1418, or in the year 1419, at any time

I have no doubt that upon examining old records and charter chests, as well as the papers said to be in Allanton's own possession, the true ancestors of the Allanton family may be discovered, and that they will be found to have been persons in great and honorable situations ; for it is universally allowed, that several of the younger branches descended from the Allanton branch of the Stewarts were men who, from their talents and characters, would have reflected honor upon any line of ancestry ; and, for the sake of those younger branches, I should have been very happy to have contributed my best endeavours for discovering and ascertaining their true genealogy. At any rate, I am persuaded, that the real friends of Mr. Stewart of Allanton's family, and particularly the members of the families of Coltness and Allanbank, and their connexions, will be of opinion, that the suggestions and advice contained in my letter above inserted were friendly, and, if followed, might have led to something much more satisfactory and useful than the attempt of adhering to the very uncertain, and now refuted opinion of a descent from Sir Robert Stewart, the supposed seventh son of Sir John Stewart of Bonkyll.

before

before the end of that year, it must have been before the expedition to France took place ; for that expedition did not happen till the end of the year 1419, or the beginning of 1420 at soonest. But if he died at any time even of the year 1420, then he could not have lost his life in any battle in France, as both Mr. Williams and the anonymous author pretend, for it is certain that the first action in France at that period in which the Scottish troops were engaged was the battle of Beaugé, fought on the 22d of March 1421.

As to the idle conjecture relating to the sale of the lands of Cally and Garnfalloch, as having been occasioned by the imaginary charges to which Sir John Stewart was exposed by raising his contingent of troops for the French expedition, the refutation of it will also be found in the pages above referred to.

In various parts of the papers made out by Mr. Williams and by his infallible follower, it is asserted and taken for granted, without any proof, that Sir William Stewart of Jedworth, having been proprietor of the lands of Castelmilk in Annandale, as well as of the lands of Jedworth in Teviotdale, had in his own lifetime given the lands of Castelmilk to his eldest son John, the husband of Marion Stewart ; and that this eldest son John, having succeeded to the estate of Dalswinton *, resigned, according to a practice usual with his family, his lands of Castelmilk to a younger brother, Sir William Stewart of Castelmilk, who, according to their account, was the ancestor of the Stewarts of Castelmilk in Lanarkshire.

The whole of this story about Sir William Stewart of Jedworth, his possession of the lands of Castelmilk, and the transmission of these lands, first,

* The time of the death of Sir Walter Stewart of Dalswinton is fixed, by George Crauford, to have been in the year 1399 ; for in his Genealogical History of the house of Garlies and Dalswinton, there is the following paragraph : “ Sir Walter Stewart of Dal-
“ swinton died soon after the 27th of April 1399, and his daughter Mariotta became his
“ heir, being then married to Sir John Stewart, son and heir of Sir William Stewart of
“ Jedworth, sheriff of Teviotdale.”

In the anonymous book, p. 60, it is said, “ that on Marion Stewart losing her father, Sir
“ Walter Stewart of Dalswinton, her husband John became Sir John Stewart of Garlie and
“ Dalswinton.”

from

from him to his eldest son, Sir John Stewart of Dalswinton, and, then, from him to a supposed younger brother William, is a work of imagination similar to the assertion which has just now been refuted, of Sir John Stewart of Dalswinton having engaged in the expedition to France, and of his having been killed in a battle there. For it is positively denied that the lands of Castelmilk in Annandale ever, at any period, belonged either to Sir William Stewart of Jedworth, or to his son, Sir John Stewart of Dalswinton. Or that they were given by Sir John Stewart to a younger brother William, of whose existence there is no proof that can stand examination. All this superstructure rests on no better foundation than some passages in George Crawford's history, of which an account is given in pages 328, 329, 330. And the chief reliance for what relates to John seems to be placed upon an instrument of resignation of the lands of Fulton, made by William Urry in favor of the Monks of Paisley, anno 1409. In which instrument one of the witnesses mentioned by the notary is John Stewart of Castelmilk. From this circumstance, without any collateral or other proof, it has been inferred by Mr. Williams and by his follower, that the John Stewart there mentioned as a witness must have been precisely Sir John Stewart of Dalswinton, the husband of Marion Stewart; and it is held by them to be of itself complete evidence that this John Stewart was proprietor of the estate of Castelmilk in the year 1409.

The answers and objections to this inference have been fully stated in the Genealogical History, note, pages 330, 334; where it was shewn that there was reason to suspect inaccuracy either in the name or description of John Stewart, witness to that resignation; but supposing there were no inaccuracy, it was averred and maintained, that there were other infallible facts and circumstances which render that instrument of William Urry's of no manner of consequence in the question about the successive representatives of the Castelmilk family.

Though I mentioned the apparent inaccuracy in the copy of Urry's instrument of resignation, taken from Richard Hay's Cartulary, it was stated as a matter of inferior moment, and only given in a note, where the precise nature and extent of the inaccuracy were alleged merely as reasons for
having

having recourse to better evidence if it could be got. And as it could not be denied, that there was some apparent inaccuracy in the manner in which John Stewart was mentioned in the testing clause, it was observed, that the accuracy of that instrument taken from Richard Hay's copy of the Cartulary of Paisley, in the Advocates' Library at Edinburgh, could not be completely relied upon, without either seeing the original deeds themselves which authorised the insertion of a copy of it in the Paisley Cartulary, or without some evidence that Richard Hay's copy of that Cartulary had been compared with the original.

The observations made on this subject will appear to be very natural to any person who candidly reads what is stated, pages 330, 331. But the anonymous author has thence taken occasion to give a very unfair representation, and to allege that I had insinuated that the copy of the Cartulary of Paisley in the Advocates' Library, was a *record of no authority whatever*. And proceeding upon this false idea, he has dedicated many pages of his book, from page 102, to a commentary upon my denial of the authority due to Richard Hay's copy of the Cartulary of Paisley.

Unfair representation of what had been said concerning the Cartulary of Paisley.

It is very easy to point out the fallacy of these elaborate commentaries. What had been said by me amounted only to this: that when in any record, or copy of a record, there is a reason pointed out for suspecting an inaccuracy, and where there may be better evidence to appeal to, complete reliance cannot be given to the copy without having recourse to that better evidence. It is a maxim in every court acquainted with the rules of evidence, that a person appealing to evidence ought to produce the best that the nature of the case will admit. It cannot be denied that in the present case there were two pieces of evidence entitled to more credit than Richard Hay's copy of the Cartulary of Paisley; the one was the original instrument of resignation itself, which, of all others, would be the best evidence, preferable to any copy of that instrument; and it is very possible and even probable that that original instrument still exists, and may be found some where with the title deeds of the lands of Fulton, in the shire of Renfrew: the other piece of evidence entitled to more credit than Richard Hay's copy was the original Cartulary itself, belonging to the Abbey of Paisley; which Cartulary there is reason to believe still exists, and upon a proper search will yet be

discovered ; for that original Cartulary came into the possession of the Earl of Dundonald's family, when they acquired right to great part of the estates in Scotland which had belonged to the Monks of Paisley. That Cartulary I have myself often seen in my father's possession, who had the charge of all the papers belonging to the Dundonald family, while the remains of that estate continued with his son-in-law, the late Earl of Dundonald. And that Cartulary was delivered over by Lord Dundonald to the late Earl of Abercorn when the Paisley estate was sold to him, about twenty or thirty years ago.

I have myself, within these few years, frequently applied to the Marquis of Abercorn's man of business, Mr. Walter Scott, W. S., to make search for that Cartulary of Paisley, which he told me he had done without being able to find it ; and I think he said, that he had some recollection of its having been once lent to the late Sir Robert Douglas the antiquary, and that it had afterwards disappeared.

The anonymous author, page 102, avers that " I had endeavoured, in a " long discussion, to undermine the authenticity of the Cartulary of Paisley " altogether." How true this is, will appear to any person who reads the note before referred to, pages 330, 331 ; which contains all that I ever said on the subject. There is not one word said there for undermining the credit of the Cartulary of Paisley ; but it tells a matter of fact, that the Cartulary which is now in the Advocates' Library, is not the original Cartulary of Paisley, but a copy which formerly belonged to Richard Hay of Drumboote, and that where there was any reason to suspect inaccuracy it would be requisite, before placing complete reliance on the copies of deeds there inserted, either to see the original deeds themselves, which authorised that insertion, or to have some evidence that Richard Hay's copy had been compared with the original which belonged to the Abbey of Paisley. But I never said or insinuated either there, or in any other part of the Genealogical History, that the copy of the Cartulary in the Advocates' Library was not to be trusted or referred to as evidence in cases where, from other circumstances, there was nothing of inaccuracy suspected or pointed out to make it necessary to have recourse to better evidence. I very well knew that where there were no reasons to suspect error or inaccuracy from
specified

specified circumstances, Richard Hay's Cartulary in the Advocates' Library was now uniformly appealed to as evidence of its contents; and, if I am not mistaken, has been sustained as such by the Court of Session, in cases where it appeared to be the best evidence that could be got; and I certainly could have no intention of overturning that Cartulary in all cases, as I had myself frequently appealed to papers in it, in the course of the Genealogical History. But from what is now to be stated, it will be made still more manifest that there could be no motives to make me wish to overturn the credit due to that Cartulary, or to William Urry's instrument of resignation contained in it.

Examination of the Arguments and Inferences from the mention of a John Stewart of Castelmilk in William Urry's Instrument of Resignation in the year 1409.

THE anonymous author having given an unfaithful account of what had been stated in the Genealogical History concerning the Cartulary of Paisley in the Advocates' Library, and the Commentaries upon William Urry's instrument of resignation, it has been thought proper now to correct those mis-statements; and that being done, I have no hesitation, for argument's sake, to suppose that the copy of William Urry's resignation, taken from Richard Hay's Cartulary, shall be held as an authenticated copy from the original Cartulary of Paisley, and even equal to the original instrument of resignation itself. From which it will follow in the present argument, that there is evidence of the existence of a John Stewart of Castelmilk in the year 1409. But I trust it will be made apparent that even these admissions will not give any solid support to the arguments maintained by Mr. Williams and his anonymous friend, and will be found to be totally insufficient for removing the various objections to their arguments even on this branch of the question.

The only matter of proof produced by the anonymous author, in support of a long chain of conjectures, is the instrument of resignation of William Urry in 1409, in the copy of the Cartulary of Paisley; in which are found the following words:

“ Præsentibus dictis Joanne Senescallo de Castelmylke, Joanne Semple &c.
“ Testibus ad præmissa vocatis specialiter et rogatis.”

The anonymous writer maintains, that the John Stewart of Castelmilk thus referred to, was precisely Lord Galloway's ancestor, Sir John Stewart of Dalswinton, who he supposes to have been at one period of his life proprietor of the lands of Castelmilk. But it must be observed, that there is no charter or authentic instrument of any sort produced, for proving that the property of these lands of Castelmilk ever belonged to Sir John Stewart of Dalswinton. There has been only an endeavour to make it possible, or probable, that the said Sir John Stewart of Dalswinton may at some period have been the proprietor of these lands. But in order to gain admission to that supposition, there is a whole chain of suppositions and conjectures proposed by Mr. Williams and the anonymous author, which must all of them be adopted, otherwise the whole system falls to the ground; as will appear from the following state of particulars.

The first supposition to be adopted is, that Sir William Stewart of Jedworth, and Sir William Stewart of Castelmilk, were not two distinct persons, but one and the same person. And that Sir William Stewart of Jedworth was proprietor of the lands of Castelmilk in Annandale, as well as of the lands of Jedworth in Teviotdale; and, as such, was sometimes described Sir William Stewart of Jedworth, and at other times Sir William Stewart of Castelmilk.

Of this first supposition there is no manner of evidence produced; it rests wholly on assertions, founded on no better authority than the assertion of that very inaccurate historian George Crawford, in a manuscript history which he had been employed to draw up for the Earl of Galloway's family, and in which he studied as much as possible to give a flattering account of his Lordship's ancestors, though at the expence of depriving some other families of ancestors who truly belonged to them*.

The second supposition is, that Sir William Stewart of Jedworth, being proprietor both of the estate of Jedworth and of Castelmilk, did, upon the marriage of his son John with Marion Stewart, heiress of Dalswinton, in 1396,

* Crawford, in his Peerage, p. 157, published in the year 1716, gave an account of Lord Galloway's ancestors, but he did not there pretend, or venture to assert in print, that Sir William Stewart of Jedworth ever was proprietor of the lands of Castelmilk, or that he was sometimes described of Castelmilk, and at other times of Jedworth.

give to John the lands and estates of Castelmilk for his own behoof, and at his own disposal. Of this also there is no manner of evidence.

The third supposition is, that upon the death of Sir Walter Stewart of Dalswinton, father of Marion Stewart, which, according to George Crawford, happened about the year 1399, John Stewart having succeeded to the opulent estate of Dalswinton, he, upon that occasion, gave over and relinquished to his younger brother William the estate of Castelmilk. Of this also there is no manner of evidence.

It cannot be denied that these three suppositions hang upon one another, for if one of them is false the others must fall to the ground. For instance, if the lands of Castelmilk never belonged to Sir William Stewart of Jedworth, he never could have given these lands to his eldest son Sir John Stewart of Dalswinton. And if there was no truth in the donation of the lands of Castelmilk from Sir William to John, then Sir John Stewart of Dalswinton could not be the person meant under the description of John Stewart of Castelmilk, in William Urry's resignation.

But further, if there is no foundation for the story of Sir John Stewart of Dalswinton having got the lands of Castelmilk from his father Sir William, then there can be no foundation for the other supposition of that John Stewart's having made a present of these lands of Castelmilk to his younger brother William. And there is an additional difficulty in this part of these suppositions, to wit, that there is no evidence of the existence of a William Stewart brother of Sir John Stewart of Dalswinton; therefore, before gaining credit to that part of the history given about the various presents of the estate of Castelmilk from father to son and from brother to brother, it would be incumbent, in the first place, on Mr. Williams and his follower, to give some real solid proof that Sir John Stewart of Dalswinton had a brother of the name of William. It seems likewise to be incumbent on them to prove that Lord Galloway's ancestor, Sir John Stewart of Dalswinton, was at some period proprietor of the lands of Castelmilk. This ought not to be a matter of difficult proof if founded in truth. For as Sir John Stewart was possessed of various estates, such as Garlies, Dalswinton, and also of Castelmilk, as now pretended, Lord Galloway must certainly have in his charter-room various papers and title deeds relating to that Sir John Stewart

Stewart and the estates belonging to him; and if the fact was so, it is most probable that some of these papers would afford evidence that the lands of Castelmilk had at some period belonged to him; but if these papers contain no indication of that sort, then they ought to be considered as affording some degree of evidence against that supposed fact.

It is more particularly incumbent on Lord Galloway to prove what relates to his ancestor Sir John Stewart of Dalswinton, because he never can make out his title to the object in view without claiming through that Sir John Stewart; for the point contended for by Lord Galloway is, that Sir William Stewart of Jedworth was the brother of Sir John of Derneley, and the son of Sir Alexander Stewart of Derneley. But in order to connect himself with that Sir William Stewart he must claim through Sir John Stewart of Dalswinton, who was Sir William of Jedworth's eldest son.

On the other hand, the Stewarts of Castelmilk do not claim through that Sir John Stewart in any respect; they claim directly through Sir William Stewart of Castelmilk, brother of Sir John Stewart of Derneley, but different from Sir William of Jedworth, without any connection with Sir John Stewart of Dalswinton; and therefore they apprehend that they are not bound to give any account of him, or to take him out of the way. Their claim rests upon very different and certainly on more solid grounds, as will appear from what follows.

It is admitted on all hands that Sir William Stewart described of *Castelmilk, miles*, mentioned in Rymer's *Fœdera* in 1398, as one of the sureties for the peace of the western borders, was the brother of Sir John Stewart of Derneley.

It is also admitted that Sir William Stewart, the brother of Sir John, engaged in the expedition to France, and that both brothers were killed at the battle of Rouvroy in February 1429.

Therefore it is established by unquestionable evidence, that Sir William Stewart of Castelmilk was alive during the whole of the period from 1398 to the beginning of February 1429. Consequently, any charter or other deeds during that period where Sir William Stewart of Castelmilk is mentioned

mentioned as a witness, must be presumed to apply to that Sir William Stewart of Castelmilk, of whose then existence there can be no doubt, not to a Sir William Stewart, whose existence at any period remains to be proved.

But it has been objected for Lord Galloway, that the instrument of resignation by William Urry in 1409, proves that there was at that time a John Stewart of Castelmilk, which is said to be irreconcilable with the notion of these lands belonging at that time to a Sir William Stewart.

It is impossible that Lord Galloway can by that objection mean to infer that Sir William Stewart had died before 1409; for the continuation of Sir William Stewart's life to the battle of Rouvroy in 1429 is ascertained by the most indisputable evidence, and has been admitted and argued upon on the part of the Earl of Galloway himself. The nature and tendency of the objection therefore must be directed to this point, that Sir William Stewart must have been divested of the property of the lands of Castelmilk before 1409, when there appears a John Stewart of Castelmilk mentioned by the notary to William Urry's resignation. And further Lord Galloway contends, that this John Stewart of Castelmilk mentioned by the notary, was precisely his ancestor Sir John Stewart of Dalswinton.

In answer to these assertions, it is to be observed in the first place, that there is nothing in the description of John Stewart of Castelmilk that has any necessary relation to Sir John Stewart of Dalswinton; on the contrary, there are circumstances on the face of it which are adverse to that supposition. For no part of the description alludes to the proprietor of the estate of Dalswinton, and the John Stewart therein mentioned is not mentioned as a Knight, which Sir John Stewart of Dalswinton at that time was.

But there is a more solid ground for excluding the supposition of the lands of Castelmilk having belonged to a John Stewart, or to Sir John Stewart of Dalswinton in 1409; for it appears from evidence, that these lands belonged to Sir William Stewart of Castelmilk at that very period, or at least very near to it, and therefore could not have belonged to John Stewart.

It has been shewn from Rymer's *Fœdera*, that the estate of Castelmilk belonged to Sir William Stewart, knight, in the year 1398. This is one foundation to go upon.

Secondly,

Secondly, it is proved from a charter by Archibald Earl of Douglas, in the year 1411, that Sir William Stewart was proprietor of the estate of Castelmilk at that period, for he is one of the witnesses to that charter by Archibald Earl of Douglas, and is described precisely in the same manner in which he was described in Rymer's *Fœdera* in 1398; "*Dominus Willielmus Stewart de Castelmylke miles.*" — It has been shewn, from page 324 to 327 of the *Genealogical History*, that this charter by the Earl of Douglas, was not of a more early date than the year 1411.

Thirdly, upon the death of Sir William Stewart of Castelmilk, in the year 1429, his eldest son David succeeded to the estates which had belonged to his father, consisting of the lands of Finnart, Castelmilk, &c.

The effects of these three clear and distinct pieces of evidence are, that Sir William Stewart possessed the estate of Castelmilk in 1398 and 1411, and that it went to his eldest son by succession in 1429, from which period that estate was uniformly enjoyed by the descendants from the said Sir William and David Stewarts, till it was sold by Archibald Stewart of Castelmilk in 1578 to John Lord Maxwell, after which sale the Stewarts of Castelmilk retired to their estate of Cafilton in Lanerkshire, to which they transferred the name of Castelmilk.

If it were true, as alleged by Lord Galloway, that his ancestor, Sir John Stewart of Dalswinton, was proprietor of the lands of Castelmilk in 1409, then they must have passed from the first Sir William Stewart to John at some period between the 1398 and 1409, and they must have come back again to Sir William Stewart at some period between 1409 and 1411, and have continued with him and his family from that time downwards.

If the evidence above stated, that the Stewarts of Castelmilk were descended from the first Sir William Stewart of Castelmilk, be considered as clear, the next question is, whether the mention of a John Stewart of Castelmilk in the resignation of William Urry in 1409, be sufficient to overturn the whole? And this leads to consider the degree of evidence which arises from the words contained in that instrument, in opposition to the other proofs already stated.

The first observation that occurs is, that John Stewart of Castelmilk is in the docquet subjoined to the notary's instrument introduced as a person who

who had already been mentioned in the same instrument ; but in fact he is no where mentioned but in that last clause. From whatever cause that proceeded is altogether immaterial ; it is evidently and clearly an inaccuracy of the notary. If he had really inserted the name of John Stewart of Castelmilk in a preceding part of the instrument, as he ought to have done since he chose afterwards to describe him as a person already mentioned, it is to be presumed that he must, in that prior entry, have given his description more at length, otherwise the referring to him as already mentioned would have been unnecessary, if in the second entry he was to give him the same full description as before.

But how can it be explained, that John Stewart was proprietor of Castelmilk in 1409, and Sir William Stewart proprietor of the same lands and described as such about 1411?

Mr. Williams and the anonymous author seem to have been aware of this difficulty, and their method of explaining it is, that Sir William Stewart of Jedworth was also proprietor of the lands of Castelmilk, and that he was the person alluded to in Rymer in 1398 ; that he gave off these lands of Castelmilk to his eldest son John Stewart, on his marriage with the heiress of Dalswinton ; that this John Stewart afterwards gave these lands to his brother William, who was the person described in the charter of the Earl of Douglas in 1411. But they give no sort of evidence in support of any of these guesses or conjectures ; nay, no manner of evidence that William Stewart, the supposed brother of John, was knighted ; and what is worse, no proof that he ever existed.

According to their supposition there must have been two Sir William Stewarts of Castelmilk, who existed during many years of the same period ; for they suppose that Sir John Stewart of Dalswinton, who died before the year 1420, had, upon his succeeding to the Dalswinton estate, relinquished in favour of his younger brother William, whom they have been pleased to create a knight, the estate of Castelmilk, which continued to be enjoyed by him till the time of his death about the year 1439, as supposed by them ; whilst, at the same time, it is certain that the first Sir William Stewart of Castelmilk lived down to the month of February 1429, and it was upon his death that his son David succeeded to these and other lands.

The difficulty in this matter is, to reconcile the entry in the resignation of William Urry, 1409, with the other proofs that the lands of Castelmilk did belong to Sir William Stewart mentioned in Rymer, 1398, and again in the charter of the Earl of Douglas, 1411.

It evidently appears, that the attempts made by Mr. Williams and his follower, to reconcile these pieces of evidence, have been altogether unsuccessful, and are contradictory to a variety of known and established circumstances. But it is far from impossible that the John Stewart described in William Urry's resignation, may have been Sir John Stewart of Derneley. It is true that the notary does not describe him as *Miles*; but the same objection would lie against the supposition that John Stewart of Dalwinton was meant, for he too was a knight before the year 1409; and, as the notary to this instrument appears to have been a person not remarkable for his accuracy, the omission of the description of knight was natural enough, when he mentioned him at the end of the deed, as a person he had already mentioned in a former part, where the full description ought properly to have been inserted, as usual.

Gen. Hist.
p. 106.

p. 107.

It is proved, that Sir John Stewart of Derneley was described of Castelmilk, in 1387; and it is also proved that he continued to be superior of the lands of Castelmilk, till the time of his death in 1429; and that his grandson obtained a grant of the nonentry duties of the lands of Castelmilk, from 1429 to 1468, his brother Sir William having held the lands of him as vassal. There is, therefore, nothing at all improbable in Sir John Stewart of Derneley his being one of the witnesses to the resignation of William Urry, Sir as John's principal estate and place of residence of Derneley was in the near neighbourhood of Paisley; and there is no reason to suppose that he was not in Scotland at that time; on the contrary it appears, that in 1407, Sir John Stewart of Derneley, then in Scotland, was one of the persons who swore to the observance of the treaties between France and Scotland. Du Tillet, p. 327.

And although it would certainly have been more proper for this accurate notary to have described him Sir John Stewart of Derneley, yet as he was actually the superior of the lands and estate of Castelmilk, and the immediate vassal of the Lords of Amandale in these lands, and had formerly

formerly been described of Castelmilk, the notary, who may well be supposed ignorant of the precise time when Sir John Stewart took the designation of Derneley in preference to that of Castelmilk, might naturally enough have given him that designation of Castelmilk, which could not fail to be perfectly understood as applicable to him in those times; for he was not uniformly described as of Derneley—he had other designations. Thus in a charter dated 11th December 1406, granted by Dame Janet Keith in favor of her son Andrew de Hamilton, to which her son Sir John Stewart of Derneley is one of the witnesses—He is not therein described as Sir John Stewart of Derneley, on the contrary, he is thus described: “Joannes Senescallus “filius meus *Dominus de Cruikistoun*.” What makes this instance the more remarkable is, the certainty that Sir John Stewart had succeeded to the estate of Derneley before the date of this charter, for in that same charter Janet Keith the granter of it is described as being then in her widowhood. Which leaves no doubt that Sir Alexander Stewart of Derneley being then dead, his son Sir John had succeeded to the Derneley estate before that time.

It has already been observed, that the Stewarts of Castelmilk, who do not claim through Sir John Stewart of Dalswinton, were not bound to remove out of the way, or to account for *the John Stewart* mentioned in William Urry's resignation. However, as every part of the system which Mr. Williams and his anonymous friend have adopted for Lord Galloway rests merely upon guesses or conjectures, unsupported by conclusive proofs, it was thought that it might not be improper here to submit to consideration the above conjecture: which will appear to be better founded, and to be more connected with probability, than any one of those attempted on the part of the Earl of Galloway.

But the above is not the only reasonable conjecture that might be formed with regard to John Stewart of Castelmilk, referred to in Urry's resignation, in 1409. For if I were to assume the same liberty of making guesses or conjectures, that has so frequently been assumed on the part of the Earl of Galloway, it would not be difficult to form conjectures concerning that John Stewart of Castelmilk, which would be supported with much greater probability at least, than any of the various conjectures that have been hazarded on the other side.—For instance, it might fairly be presumed or conjectured, that John Stewart of Castelmilk, mentioned as present at the instrument taken by the notary, was a son of Sir William Stewart

of Castelmilk ; for, as he is not described as a knight, whilst others of the witnesses are so described, it is a sort of presumption that he was a young man : the John Stewart here alluded to may have been the eldest son of Sir William Stewart of Castelmilk, and pre-deceased his father ; or, he may have been one of Sir William's younger sons. For there are instances, at that very period, and particularly in the Derneley family, which shew that it was not unusual in those times to describe even the younger sons of great proprietors by the title of the land estate which belonged to the family, as being a sufficient mark of distinction, when joined with the christian name, for ascertaining the person meant. Thus there is in the public records, a charter dated at the monastery of Paisley, in the year 1406, granted by the Duke of Albany, Governor of Scotland, in favor of William Cunningham of Reidhall, to which charter Robert and Alexander Stewarts, two of the younger sons of the Derneley family, are witnesses, and they are thus described : "*Robert and Alexander Stewarts of Derneley.*" It is very well known that these were two of the younger sons of Sir Alexander Stewart of Derneley, whose eldest son Sir John was the only person properly entitled to the designation of Derneley, though it is here given to the younger sons, as being thought sufficient, with their christian names, for ascertaining who they were.

In the same way, if Sir William Stewart of Castelmilk had either an elder or a younger son of the name of John, it might be thought proper, even by a more accurate man than the notary in question, to describe him John Stewart of Castelmilk, as the christian name, joined with the name of the land estate of the family, would leave no doubt as to the person meant to be described.—A similar practice, even in modern times, took place in France, where it was usual for the youngest sons to be described by the title or name of the *térré* or land estate of the family.

That Sir William Stewart of Castelmilk had a son of the name of John, is a fact so highly probable that it can scarcely be doubted of, considering the remarkable friendship and intimacy which subsisted between the two brothers, Sir John and Sir William Stewart. And it is not at all likely that the name of John, which appears to have been a favorite name in the family during many generations, should have been neglected in the first instance by Sir William Stewart, attached as he was to his brother Sir John, whose name and actions reflected so much honor upon the family.—That son of the name of John, may probably have died during his father's life, in the period between 1409 and 1429.

The only sons of Sir William Stewart of Castelmilk who have been taken notice of in the Genealogical History, are David, Archibald, Matthew and Walter, because these were the only sons of whom I had discovered any mention in old charters; but it does not follow from thence, that Sir William Stewart might not have had several other sons.—It was only by degrees, and in the course of several years, that I discovered the names of those sons above-mentioned; and it cannot be reckoned surprising that at the distance of four hundred years we should not now be able to prove from records, the names of all the sons of Sir William Stewart.

The supposition that John Stewart mentioned in William Urry's resignation was a son of Sir William Stewart of Castelmilk, has this great advantage, that it is perfectly consistent with the other established proofs that the estate of Castelmilk at that time belonged to Sir William Stewart of Castelmilk, knight; and renders unnecessary the extravagant supposition of that estate having belonged, in 1409, to Sir John Stewart of Dalwinton.

The anonymous author has informed us, that he laid the resignation of William Urry before a learned friend, who is also anonymous, "but whose acquirements as a Scholar, and whose reputation as a Lawyer are equally distinguished;" and he has favored us with the written opinion given by this very respectable gentleman. But the result of that opinion amounts to no more than this: that William Urry's resignation is a complete presumptive proof of the existence of John Stewart of Castelmilk, in 1409; which, he says, cannot possibly be redargued unless by a positive proof, that the lands were then the property of some other person.

It may be observed, in the first place, that the existence of a John Stewart, described by the notary as of Castelmilk, in 1409, does not necessarily prove that he was proprietor of Castelmilk, much less does it prove that he was the son of Sir William Stewart of Jedworth, who never had a right to these lands.

But 2dly, in spite of my profound respect for the learned anonymous friend of the other anonymous, I cannot admit, that a presumptive proof can only be redargued by a positive proof; for I maintain, and I believe few will contradict my position, that a presumptive proof may be completely redargued by contrary presumptive proofs; and that it will depend upon the weight of the opposite presumptions, which of them is best entitled to belief.

Let

Let this doctrine be applied in the present case, for deciding whether, upon the evidence stated on each side, there is most reason to believe that the estate of Castelmilk belonged, in the year 1409, to Sir William Stewart of Castelmilk, whose existence is ascertained by the respectable evidence of Rymer's *Fœdera*, and of an original charter by the Earl of Douglas; or, that these lands belonged to a John Stewart of Castelmilk, whose existence is ascertained only by an obscure notary, who appears not to have been distinguished by his accuracy at least; including in this last branch of the alternative the further suppositions necessary to be adopted, to wit, that the John Stewart mentioned in that Instrument, was precisely Sir John Stewart of Dalswinton, Lord Galloway's ancestor; and that from this John Stewart the lands of Castlemilk shifted in 1411, to another Sir William Stewart, different from the person named in Rymer, in 1398, but of which additional Sir William Stewart no certain traces of his existence are any where to be found.

Fallacy of what is contended for by Mr. Williams and the Anonymous Writer, in maintaining that WALTER STEWART of ARTHURLY was not the son of the first Sir WILLIAM STEWART of CASTELMILK, but the son of an imaginary second Sir WILLIAM STEWART of CASTELMILK; and fallacy of their arguments concerning the time allotted by them for the death of that second Sir WILLIAM STEWART.

MR. WILLIAMS and his anonymous friend pretend they have discovered that there was a Sir William Stewart of Castelmilk who was alive in the year 1439, but who died before the first of February 1440; whence they contend, that this Sir William Stewart must have been the brother of Sir John Stewart of Dalswinton, and the father of Walter Stewart of Arthurly, who according to these supposed facts could not, they say, have been the son of the first Sir William Stewart of Castelmilk, who was killed at the battle of Rouvroy, in 1429.

To these assertions and suppositions there are various answers.

1st. No person before Mr. Williams and his follower has ever doubted that Walter Stewart of Arthurly was one of the younger sons of the first Sir William Stewart of Castelmilk; neither is there any other person who ever pretended that there was a Sir William Stewart of Castelmilk,
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who had died between 1439, and 1st February 1440. But it is in vain to dispute about the time of the death of the second Sir William Stewart, until it shall be proved in a satisfactory manner that such a person ever existed :—No such proof has hitherto been produced, and it is believed that there is no likelihood of any such proof being ever produced.

The foundation on which Mr. Williams and his anonymous follower have built this argument concerning the death of a Sir William Stewart in the period between 1439, and 1st February 1440, is this,—they suppose that there are two original charters now extant, the one dated in 1439, by which John Pollock disposed to John Rofs, Laird of Haulkhead, and Walter Stewart, *son of William Stewart of Castlemilk*, equally betwixt them, the lands of Arthurly in the borony and shire of Renfrew. The other charter under the great seal, dated 1st February 1439, in modern style 1440, by King James II. whereby he grants the one half of the lands of Arthurly in the barony of Renfrew, to Walter Stewart son of the *deceased Sir William Stewart of Castlemilk Miles*.

From these premises they have inferred, that Sir William Stewart of Castlemilk must have died precisely in the short period between 1439, and 1st February 1440, because in the first of these charters Walter Stewart is, they say, described son of William Stewart of Castlemilk, without the addition of the word *deceased*, whereas in the last of them he is described as son of the *deceased Sir William Stewart of Castlemilk knight*.—This seems to have been so favorite an argument with the anonymous writer, that he has dedicated no less than eight pages of his book to it, from p. 120. to p. 128.—But it will be shewn that this is merely a captious argument, unsupported either by fact or by fair inference.

For, admitting that in two deeds drawn up by different persons about the same period, Walter Stewart had in one of them been described as son of the *deceased Sir William Stewart*, of Castlemilk, while in the other he is described only as son of William Stewart of Castlemilk; it does not thence necessarily follow, that the William Stewart thus described had died in the period subsequent to the deed wherein Walter had been described simply as the son of William Stewart, and before the date of the deed wherein he was described son of the *deceased Sir William Stewart*: for either of these designations was sufficient to describe Walter Stewart, and to ascertain precisely who he was, which is the only real object of a designation;

signation;—and when deeds are drawn up by different persons, such discrepancies in the mode of the designations must frequently happen, according to the greater or lesser degree of precision of the person employed; for the one mode of designation is equally valid with the other, to all intents and purposes. And it was no part of the object of these papers to ascertain whether the father of Walter Stewart was dead or alive at the date of these deeds, or at what time he had died; though the argument used for Lord Gallloway proceeds on a supposition that these were the precise points to be ascertained by the designation of Walter Stewart.

Indeed according to the mode of reasoning adopted by Mr. Williams and his obsequious friend, it ought to be inferred, that Sir William Stewart of Castelmilk was not a knight in 1439, but that he was created a knight between that date and the 1st February 1440. For in the article relating to the charter in 1439, by John Pollock, Walter Stewart is described son of William Stewart of Castelmilk, without mentioning that he was a knight; whereas in the charter under the great seal, 1st February 1440, he is described as son of the deceased Sir William Stewart of Castelmilk, knight. The argument must either be conclusive in both or in neither of these cases, for the ground on which it proceeds is precisely the same in both.

2dly. In point of fact, no person, either on the part of Lord Galloway, or of the Stuarts of Castelmilk, has as yet seen the charter above-mentioned, dated in 1439, wherein Walter Stewart is said to be designed son of William Stewart of Castelmilk, without the addition of the word *deceased*.—For the fact is, that the article relating to the charter 1439, by John Pollock to John Ross and Walter Stewart, was not copied from the charter itself, but from an inventory of Lord Glasgow's papers, in the possession of Mr. Thomas Tod, writer to the signet;—after obtaining which extract from Lord Glasgow's inventory, application was made to his Lordship, and to the person who had charge of his papers at Halkhead, for inspection of that original charter, not doubting that it would speedily and easily be found. After some time bestowed in searching, the answer received was, that the charter sought for had some how or other been misplaced or mislaid, for that a search had been made for it without being able hitherto to find it. There are hopes, however, that it may still be found on a more diligent search; and there can be no doubt that it will then appear, that Walter Stewart is in that deed designed, in
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the same manner as in the royal charter, 1st February 1440, son of the deceased Sir William Stewart of Castelmilk, knight.—For the disposition or charter by John Pollock was the warrant for the crown charter which followed upon it, and it is well known to every man of business, that the descriptions in crown charters of persons and places are regulated by the descriptions in the warrants of these charters. All these particulars are stated in a full and satisfactory manner in the Genealogical History, from page 351 to page 356. And I cannot help thinking, that every person who reads the account there given, must, if he has any degree of candor, be perfectly satisfied that it contains the true and genuine state of this matter; but if he happens to be captious, the facts therein stated will, all of them, when necessary, be established in the most solemn manner by the legal evidence of Mr. Tod, who furnished the extract from Lord Glasgow's inventory, and by the judicial testimony of the persons who in consequence thereof made search in Lord Glasgow's charter-room at Halk-head for the paper in question.

Notwithstanding the various instances already given of facts and assertions hazarded without any foundation in truth, or at least totally unsupported by proofs, there remain other similar instances which might be produced. But it is really tiresome to follow Mr. Williams through all his mazes of errors and conjectures, especially as it is not easy to fix him to any precise ground; for it has frequently happened that when driven from one position which he had found to be untenable, he has resorted successively to other grounds not more defensible; and thus, assuming the privilege of a very *Proteus* to vary his shapes and forms at pleasure, the labour and fatigue of pursuing him through all his variations is much increased; hence these sheets have extended far beyond what was originally proposed.

The work of the anonymous author is even more reprehensible, from the increased boldness of assertion, with a similar or greater disregard of genuine proofs.

If it should be found that there remain in this last-mentioned work any facts or arguments not hitherto refuted, because not touched upon, and that the author should thence be induced to flatter himself that the truth or force of his assertions in those parts was admitted, he may, if it

can afford him any consolation after the preceding detection of his various attempts to mislead, be allowed the benefit of that temporary gratification. I have no objection to permit his enjoyment of a short-lived triumph of this sort, unless it should inspire him with fresh courage to persist in attacks, such as may call for a further refutation.

It may be necessary however to take some notice at present, of a few general propositions and assertions which have been repeated in various different parts of the work in question.

Answer to the Imputation of having differed from all the Genealogical Writers with respect to the Pedigree of the Earl of Galloway.

IN p. 14. it is said, that "the author of the "Genealogical History of the "Stewarts" certainly can boast of being the first person who ever doubted or "called in question Lord Galloway's pretensions. His right of descent "from the eldest branch had been so universally acknowledged, so uniform- "ly sanctioned by time and opinion, that, had it not been for the formal "attack in 1794, or at least the rumour that announced it, in all probability "it never would have occurred to him to substantiate his claims by a pro- "duction of the legal evidence."

One would imagine, from this paragraph, and from many others in the course of the book, that all genealogical writers had concurred in giving to the Earl of Galloway's family the same lineage and ancestors that have now been assigned to them by Mr. Williams and his faithful satellite, and the same preference to all other competitors for the honor of representing the Derneley family. But they have taken care not to mention the authors who had done so; and I believe I may with great confidence venture to assert, that, excepting Mr. Williams and his anonymous friend, there is no author whatever that ever gave to Lord Galloway's family, or to Sir William Stewart of Jedworth, the same pedigree that they have done; particularly no author that ever said or insinuated that Sir William Stewart of Jedworth, (the unquestionable ancestor of the Earl of Galloway,) was the son of Sir Alexander, or the brother of Sir John Stewart of Derneley. In truth, they can produce no author who ever has given any such account of the father or brother of Sir William Stewart of Jedworth,

or who has ever supposed him entitled to that pedigree. Without establishing these facts, it is quite impossible that Lord Galloway could ever make out his claim to the representation of the Derneley family after the death of Cardinal York, the last of the male descendants from Sir John Stewart of Derneley; for it is agreed on all hands, that the representation must undoubtedly go to the person who shall be able to prove himself descended from Sir William Stewart, the brother of that Sir John Stewart of Derneley. Therefore the assertion that all genealogical writers had established the foundation of Lord Galloway's claim, and the preference due to it, is totally erroneous, and has been suggested only for the purpose of misleading and for inducing a belief, that I was the only person who had ever disputed the authority of the genealogical writers, or who had called in question the Earl of Galloway's right, uniformly acknowledged by time and opinion. The only genealogical writers whose authority I dispute are Mr. Williams and his obsequious flatterer*.—Their authority, however respectable it may appear to themselves, I cannot admit without proofs; and in what manner they have avoided this test must be sufficiently apparent from the preceding discussion of their facts and arguments.

It will be found that all, or almost all the genealogical authors, have given an account of the descent of Lord Galloway's family very different from, and inconsistent with that which has now been trumpeted by these two modern heralds. This is rendered clear and certain from the particulars given in the memorial concerning the pedigree of Sir William Stewart of Jedworth, pages 33—37, *supra*, where literal extracts are given from Nesbit, George Crawford, and Sir Robert Douglas; all of whom have concurred in the fact that Sir William Stewart of Jedworth, the paternal ancestor of the Earl of Galloway, was descended from John Stewart, one of the younger sons of Sir John Stewart of Bonkyl, and a younger brother of Sir Alan

* Much praise is lavished on Mr. Williams in various parts of the anonymous work, the author of which has gone so far as to extol him for his accuracy, and to prefer him to all the various authors who have ever written on the subject of the Stewart families. Thus, after mentioning various genealogical writers, such as Nesbit, Crawford, Sir Robert Gordon, and the learned Camden, there is, p. 133, the following paragraph:

“The last author we shall appeal to is the Reverend Mr. Williams, by *far* the *most accurate* of any who have examined the subject.” If this is not downright flattery, it must be allowed to be at least a dis-proportioned compliment to Mr. Williams from his complaisant friend.

Stewart of Dreghorn, who was the ancestor of the Derneley family. Both Mr. Williams and his nameless friend have carefully kept out of view all the accounts thus given by these authors ; though they have frequently appealed to these same authors upon other occasions.

The memorial above referred to, concerning the pedigree of Sir William Stewart of Jedworth, which I made out in the year 1794, for Lord Galloway's use, was the result of a good deal of investigation and trouble ; for I had at that time consulted every *genealogical* book wherein I could find any mention of Sir William Stewart of Jedworth, or of his pedigree. It will appear, indeed, that the report made by me was very different from that which has since been made by Mr. Williams and by the anonymous author. But if any person will take the trouble to examine the authorities referred to by them and by me, it will soon be discovered which of us have given the fairest representation of the case, and the best information for the Earl of Galloway's use ; will then be seen, and with irresistible evidence, that Mr. Williams and his anonymous friend are the only genealogical writers who have ever pretended that Lord Galloway's ancestor was a son of Sir Alexander, or a brother of Sir John Stewart of Derneley ; consequently, what they wished to impute to me of my representing Lord Galloway's pedigree in a manner different from all the genealogical writers, is an imputation solely applicable to themselves : it required, therefore, a good deal of modest assurance in these two authors to assert, as they have done in different parts of their writings, that I had been the first or only person who ever doubted of Lord Galloway's pretensions ; asserting, at the same time, that his right of descent from the eldest branch had been universally acknowledged and uniformly sanctioned by time and opinion.

Nothing was stated by me on the subject without referring to the authority whence it was taken ; for whatever may have been the objects of Mr. Williams and his friend in their statements, it was no object of mine to mislead Lord Galloway, or to give any representation of facts other than what could stand the test of the strictest examination. His Lordship, if he has not already discovered, may possibly at some future period discover, whether he is most indebted to those who had studied to give him only true information, or to those who wished to conciliate favor by giving such flatter-

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tering accounts as they thought might be agreeable, without considering that facts stated without proofs, or contrary to proofs, may lead into difficulties, but never can be finally successful.

The rise and progress of these Genealogical Inquiries.

Lord Galloway must recollect, that it was at his earnest request that I first engaged in the study of the Genealogical History of the Stewart families, with a view to assist his Lordship in the inquiries which he was then most anxious should be made for ascertaining to whom the chiefship of the family would belong after the death of the Cardinal York.

I confessed to his Lordship my ignorance of those matters, having never turned my mind to any genealogical subject; but though unwilling to engage in any thing that might be likely to consume much time, or to occasion much trouble, I at last yielded to the repeated earnest requests made to me by Lord Galloway, and told his Lordship that when I went to Scotland I should be very ready to give him any assistance in my power, by examining the public records or other places where there might be any expectation of finding materials that could afford just information; and that I should always be ready to give his Lordship a fair opinion, according to the best of my judgment, upon the facts or proofs that might from time to time happen to be discovered.

I was the more readily induced to agree to Lord Galloway's request, on account of the distinguished favor and friendship which I had for many years enjoyed from his Lordship's father, the late Earl of Galloway, with whom I had the happiness of living in great intimacy, while we were joint guardians to the Duke of Hamilton; and the friendship thus commenced had laid the foundation for much amicable connexion with his Lordship's family ever since that period.

Accordingly, upon going to Scotland, I did bestow a good deal of time and labour in fulfilling the promise I had made to the present Earl of Galloway, who cannot fail to recollect the reports I made to him from time to time of the result of my researches; and the many suggestions which I gave, both to himself and to Mr. Williams, about additional inquiries to be made by them, and directing them to the places where it would be most proper that they should be made.

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In this manner matters went on for a considerable time, before there was any idea of my friends of the Castelmilk family being concerned in the object of this inquiry; for I have no hesitation to repeat, what has already been stated in the preface to my History, that I was at that time under the impression, that the chiefship would be found to belong to Lord Galloway's family; though I was quite ignorant of the grounds on which either his Lordship's pretensions or those of other competitors were founded.

When I found, from the conversations at Castelmilk with my relations Sir John and Lady Stuart, that they considered themselves as materially interested in the result of these inquiries, and that they thought their pretensions entitled to every attention from their connections, I immediately acquainted Lord Galloway of what had thus passed, and told his Lordship that I did not choose to be placed in a situation where I might naturally be subject to the suspicion of being partial to my near relations of the Castelmilk family, and therefore that I did not wish to be the person to be trusted to on his Lordship's part for prosecuting the inquiries on his behalf; and suggested to him the propriety of his making choice of some other person for that purpose, or at least to make choice of some person of established character and abilities to whom the result of all inquiries made either for his Lordship or for the Castelmilk family might be submitted, and with whom his Lordship might have an opportunity to consult from time to time.

Accordingly Sir Adam Ferguson was named as a person upon whose opinion all parties would have complete reliance.

Lord Galloway probably still has the correspondence between him and me on this subject; it will shew the amicable manner in which those matters were carried on at that time. And as I communicated to Sir Adam Ferguson the result of inquiries made either on the part of Lord Galloway or of Sir John Stuart, I presume that his Lordship had occasion to learn from Sir Adam his sentiments, so far as matters had been advanced during that mutual reference to him.

Lord Galloway will also recollect, that it was agreed between his Lordship and Sir John and Lady Stuart, that all matters should continue to be carried on between them on the most amicable footing, and that each party should communicate to the other the result of their inquiries, and any papers or proofs that might happen to be discovered.

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This agreement between Lord Galloway and the Castelmilk family, in which I considered myself as a party, was most faithfully observed by me, though during the life of Sir John Stuart I acted only under him, for his behoof and by his authority; and both his Lordship and Mr. Williams must do me the justice to acknowledge, that they received from me the most liberal and unreserved communication of every thing that could interest them in the various and extensive discoveries made in the course of the investigations at home and abroad on our part.

They must also acknowledge, for they were sensible of it at the time, that the communications of this sort received from his Lordship, or from Mr. Williams, bore no proportion to those which they received from me; this, however, I did not impute to any want of disposition on their part to fulfil the agreement; but ascribed it merely to this circumstance, that very little had been discovered by them worthy to be communicated, or that could keep pace with the extensive communications which they received from me; for they had not only the benefit of learning from me every material paper and fact discovered in the course of the searches in England and Scotland, but likewise the result of all my inquiries in France and in Italy; and all these advantages Lord Galloway enjoyed without ever being put to one shilling of expence; though his Lordship must have been sensible, that the extensive researches in the records of France and of Italy, as well as in those of England and Scotland, must have been attended with a great deal of expence, besides the time that was necessary to be dedicated to this business*.

Conduct of the
Castelmilk fa-
mily towards
the Earl of
Galloway.

If Lord Galloway was really in earnest to discover every thing material that could be learned concerning his family, or concerning the Stewarts of Derneley, it cannot be supposed that he would have omitted to get proper inquiries made in France respecting them, as the Stewarts of Derneley

* It is acknowledged even by the anonymous writer, that Lord Galloway's claim has received great benefit from the discoveries made by me in France. Thus, in page 57, there is this paragraph: "Let it be observed that the minuteness of the author of the Genealogical History of the Stewarts is, in some sort laudable and important, as from the variety of original evidence he has adduced, both from the authors and public offices of France, an incontrovertible demonstration is established, that Sir William Stewart, the first of Castelmilk, was the brother of Sir John Stewart of Derneley."

Page 86. "The successful researches which you made in France in 1789 have enabled you to place the close connexion of those two remarkable brothers (Sir John Stewart of Derneley and Sir William Stewart of Castelmilk) in a pleasing point of view; and Lord Galloway, of all men, is most peculiarly indebted to you, for thus elucidating the hitherto doubtful transactions of your mutual ancestor."

were known to have acted a distinguished part in that country. The expence which must have attended these inquiries, was saved to him by the liberal and extensive communications given of the result of my researches in France and elsewhere.

The greatest part, if not the whole, of the Genealogical History was from time to time communicated to Lord Galloway, or to Mr. Williams, before it was printed; and I was ready to have adopted any suggestions of theirs, provided they were supported by proof, but not otherwise. In short, if the questions agitated can be considered as a contest or competition between the Earl of Galloway's family and that of the Stuarts of Castlemilk, it may truly be said, that there never was a competition carried on in so unreserved and liberal a manner as this was on the part of the Castlemilk family towards the Earl of Galloway and his family.

The fact is, that after having bestowed so much time and trouble in the investigation of the truth, it became a favorite object with me to have the honor and credit of correcting the various errors which had crept into the history of the Stewarts of Derneley, and the credit of giving to the world a true history that might be depended upon with regard to every matter therein stated. These objects I had much more at heart than any preference of one family to another with respect to the Chieftship, or Chieftanship of the Stewarts; an object which I am ready to admit is of very little importance or consequence even to the parties themselves, and certainly of still less importance to the world in general.

From many incidents which had happened in the course of these affairs, Lord Galloway, both in conversation and in writing, often expressed himself sensible of the liberal manner in which the business had been conducted, and of his obligations to me for all the trouble I had taken.

Without entering into the detail of various useful communications which his Lordship received from me, I may be allowed to mention a very material one which happened lately, in the course of the present summer.

It fell to my lot to discover a material piece of evidence for supporting Lord Galloway's side of the question, of which neither his Lordship nor any person acting for him had attained, or was likely to attain, any knowledge; and I believe I may venture to say, that it affords better proof of his Lordship's connection with the Derneley family than any that had ever been discovered by all the laborious searches made on his Lordship's

Lordship's part, including those made by Mr. Williams or his anonymous friend, or by any other person whatsoever. I took an early opportunity of making known to Lord Galloway what I had thus discovered ; which I did in the presence of a friend of his much attached to his interest ; and who seemed sensible of the importance of what was thus communicated. I am persuaded it will be found to be more material in support of his Lordship's pretensions than any written document hitherto in his possession.

Upon the whole, Lord Galloway must be highly sensible of the strict fidelity which has been observed on the part of the Castelmilk family, in communicating to him every discovery made by them, wherein his Lordship's family might be interested.

He will therefore no doubt feel a just indignation, that there should now start up some unknown concealed champion for him, who, under false appearances, endeavours to misrepresent all that has happened, and attempts to convert into enmity all the amicable and liberal proceedings which had taken place until this officious intermeddler appeared upon the stage.

From the first commencement of the researches relating to these matters, I have always considered the point in agitation between the Earl of Galloway's family and that of the Stuarts of Castelmilk to be of such a nature as ought not, and was not likely to be productive of any animosity or bad humour.—It was much better calculated for an amicable contest, as being between two branches of the same family, and the matter in dispute, though curious as a point of antiquity, yet of little real magnitude or importance. According to the notions uniformly entertained by me, a contest for a Chieftanship is, when reduced to its true estimation, a contest for an empty name ; or, if there should be found some persons disposed to dignify it with the epithet of a contest for a point of honour attended with some degree of real lustre, that honour, when ascertained in favor of any one branch of the family, could not fail to communicate part of its lustre at least to the other branches of the same family, and especially to that branch which had been

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engaged in the competition, on the footing of having pretensions equal or nearly equal to those of the successful competitor; for, according to the state of facts maintained on the part of Lord Galloway himself, the ancestor of the one family was the brother of the ancestor of the other: and though the account given by the Castelmilk family differs a little from this in some respect, yet it is admitted on all hands, that they are descended from the same common ancestor, Sir John Stewart of Bonkyl. One would imagine, therefore, that the anonymous author, who, in his facetious style, has thought proper to treat the pretensions of the Castelmilk family with some degree of flippancy, would not much ingratiate himself with Lord Galloway by that mode of paying his court.

The Anonymous Author said to be employed by the Earl of Galloway;

seemed incredible.

But there are various passages in the anonymous work, where the author assumes, and surely without authority, the character of a person directly employed by the Earl of Galloway, or by some of his connections, to plead his cause in the manner he has done; and he seems desirous to persuade his readers that this is the true state of the case. Many things, however, incline me to think the author cannot be entitled to credit for what he has thus advanced. For, after what had passed between the Earl of Galloway and myself, in the course of several years, I will not allow myself to think it possible that his Lordship could ever have given his authority, or even his tacit consent, to such a publication.—Indeed there are peculiar circumstances which must have precluded him from giving any degree of encouragement to a work of the nature of that now in question. If however, against all probability, the Earl of Galloway has really given any such authority, as is said or insinuated by the anonymous writer, I hope his Lordship will fairly avow it, in a manner suitable both for himself and for me; and then I shall know with whom I have to contend, for I do not chuse to have to do with subalterns, or with interested or hireling authors, when I can get at the principals who employed them.

Until attaining some degree of certainty in the particular now mentioned, I do not wish to be too severe on the unknown author of the anonymous work,

work, therefore shall at present abstain, as much as possible, from taking any notice of the style and temper manifested in it, although the general opinion of the few who have had the patience to read the whole of it is, that the style and temper are so very improper, and so much the reverse of any thing practised amongst persons of education, that the author can only deserve to meet with the most humiliating treatment.

That the nameless author should have indulged himself in the manner he has done, is the more extraordinary, as he has told us, page 10, that he is ambitious to maintain the character of a *Gentleman* and a *Scholar*, and professes much respect for the *laws of urbanity*.

It cannot possibly be denied that the anonymous author is a *Scholar*, as his work abounds with so many quotations from Greek and Roman authors. In his Refutation of the Genealogical History of the Stewarts, (a family unknown either to the Greeks or Romans,) he has called in to his assistance all his old classical friends from the Grecian and Roman territories, who certainly never expected to be called forth in a service of this nature. In the muster roll of the foreign auxiliaries brought into the field upon this requisition, there are Pindar, Aristophanes, Virgil, Horace, Sallust, Julius Capitolinus, Statius, Quintilian, and Velleius Paterculus, besides a reinforcement of modern *scavans*, such as Voltaire, Mirabeau, &c. Under these circumstances it must unquestionably be admitted, that a man possessed of such a wonderful power of quotation can be no other than a great and accomplished *Scholar*.

As to his pretension to the character of a *Gentleman*, little can be said on that head, until we know *who he is*: In the mean time, we can only guess from symptoms and appearances; and if those pretensions were to be left to the decision of a Jury of Gentlemen conversant in the world, their judgment of who is, or who is not a gentleman, would probably be regulated in a great degree by the style of his conversation or the style of his writings. — For this purpose it will be very desirable that the whole of the anonymous performance should be read over with a particular attention to the style, and to the instances of boasted urbanity.

Style and spirit of the anonymous book.

A specimen of that attention to the laws of urbanity, and of the style and *spirit* in which the anonymous performance is written, will be found, pages 151 and 152. After a very decided and acrimonious condemnation of the style made use of by me in the Genealogical History, the following remark is subjoined: "Here the reader will contemplate with doubt and wonder a literary phenomenon, the lowest phraseology of the Courts, interlarding the style of the reputed Author of a production second to few in the English Language for reach of thought, ability of argument or vigour, and eloquence of diction." And in a note at the bottom of page 151, the anonymous author further explains himself thus: "The performance here alluded to is certain Letters to Lord Mansfield, published about the year 1769 or 1770, soon after the decision of the celebrated Douglas cause by the House of Peers — a work indeed of extraordinary merit. It is true the Letters *seem* composed in the name of Andrew Stuart Esq.; but that Gentleman laudably avows no claim to the honour of the performance, it being given to the world wholly as anonymous. His friends (if there be any such) who still believe that it proceeded from his pen, may, since the publication of the Genealogical History of the Stewarts, ruminate on a phenomenon which they will of course think is among the difficulties hard of solution, a writer who at one and the same time is a giant and dwarf, a *prodigy of strength* and a *monument of weakness*. These Letters I have always regarded as by far the most masterly among many able productions brought forth by this memorable Trial. Of the real author, whoever he be, it may be truly said, as Velleius Paterculus said concerning Cicero: "*Animo vidit, ingenio complexus est, elegantia illuminavit,*" &c.

On reading this passage, it was not easy for me to comprehend what adequate motives the author could have for exposing himself to the shame of being detected in assertions and insinuations so totally unfounded, and which could be so easily refuted. He certainly gave me no small advantage over him by affording me an opportunity of accompanying that detection

tection with the strictures which it merited. But I will not now allow myself to say one word more on that subject, as I have lately received by the post from Edinburgh, a letter from my unknown correspondent, which in fairness to him I think proper to subjoin.

“ SIR,

“ Edinburgh, May 1799.

“ As the author of the ‘ Genealogy of the Stewarts Refuted,’ I take the
 “ liberty of addressing a few lines to you ;—my reason is, to apologize for
 “ an inaccuracy into which I have inadvertently fallen in that publication,
 “ and which may possibly be interpreted by you into a *personal reflexion*,
 “ than which nothing can be further from the *real* intention of the writer.
 “ Some liberties I certainly have taken with your literary character, and
 “ these, as one of the public, I have a perfect right to take ; but your pri-
 “ vate character I highly and sincerely respect ; and should be extremely
 “ sorry to think you had the slightest cause to imagine, that I had either
 “ expressed or entertained a contrary sentiment. The inaccuracy to which
 “ I allude is the following.

“ At pages 151, 152, of my book, in hazarding a conjecture purely
 “ *literary*, relative to your letters to Lord Mansfield, I have said, that they
 “ are given to the world wholly as *anonymous*, but, as since looking back to
 “ that masterly performance, I find that the title is ‘ Letters to Lord
 “ Mansfield *from* Andrew Stuart Esq.’ The fact, Sir, really is, that I
 “ never had, till a few days ago, opened the book since the time of its
 “ first publication, now near 30 years, and somehow or other I was im-
 “ pressed with the idea that your name was not upon the title page ; but
 “ as this is otherwise, I must acknowledge I have mis-stated a fact, which
 “ is very contrary to my intention, and I believe equally contrary to my
 “ usual practice. Had I fortunately sooner looked back to the Letters in
 “ question, you may be assured I should have expressed myself very dif-
 “ ferently, nor should I have omitted to give due praise to the grammatical

“ pre-

“ precision you have displayed, in the peculiar use of the preposition *from*,
 “ in the above-mentioned title*.

“ Whatever otherwise may be your opinion of my book, I trust you will
 “ admit, what is the sentiment of all impartial readers, that it is written
 “ with *candour* and a *manly freedom*. Should you ever reply to it (which
 “ I think improbable) I shall rejoice to see that your answer is in the same
 “ liberal spirit.

“ As to myself, it is probable that I shall never be known to you, nor is
 “ it necessary that I should. Private and literary quarrels are in themselves
 “ essentially different. Of the present writer it is the temper neither pe-
 “ tulantly to court the one, nor weakly to shrink from the other. Your
 “ esteem I cannot hope to conciliate,—but I trust I shall be found entitled to
 “ a respect similar to that, with which I have the honor to be,

“ SIR,

“ Your most obedient,

“ And humble Servant,

“ THE AUTHOR.”

Having received the above letter, I cannot now allow myself to treat with any degree of asperity that part of the anonymous performance which the author has so positively stated to have proceeded from mistake or inadvertence. It is more agreeable to me to give confidence where it is asked, than to retain sentiments of displeasure, especially after an apology has been made, the sincerity of which I have no particular reason to doubt. But there is one inference which, in perfect good humour, and without any degree of harsh commentary, I may be allowed to make, even in the present state of the case: that since the anonymous author is himself sensible of the mistake he had com-

* For the sake of information, the unlettered reader, not possessing the advantages of scholarship and grammatical knowledge, wishes to have the merits of the preposition *from* explained to him, and to know, in what the grammatical precision and happy use of that preposition consists.

mitted,

mitted, which was accompanied with injurious assertions and insinuations, he ought seriously to reflect upon the *possibility* that in many other parts of his book, he may have been imposed upon or misled, by trusting too much to the assertions, conjectures, and fallacious reasonings of others. In short, he ought to have been more upon his guard against those reasonings of Mr. Williams to which he has attributed the name of acute reasonings, and with which he seems to have been much captivated. These admired papers of Mr. Williams were the result of much time bestowed by him; were composed with much labour and zeal; and, in some parts, with so much plausibility and subtilty, as to be apt to mislead those who were not well acquainted with the subject, or who were not sufficiently on their guard against the address employed in the composition of them. A good deal of time and attention, I confess, were necessary for unravelling various matters artfully blended together, and for pointing out the distinctions between authentic evidence, and rash assertions or unfounded conjectures. On this subject I am the more entitled to speak, from the recollection of the trouble it cost me to read over Mr. Williams's voluminous and elaborate papers, and to point out the errors and plausible fallacies in his statements.

These considerations, though they may serve to extenuate a little, never can be sufficient to vindicate the servile follower of Mr. Williams in all his facts and reasonings. It was his duty, especially before venturing an attack in any quarter, to have examined most carefully and strictly the ground on which he stood, and to have bestowed the time necessary for separating truth from falsehood, and for distinguishing between real and imaginary proofs. As he has not done so, he must take the consequences, and share in the shame and reproach incurred, by the copartnership which he seems to have entered into with Mr. Williams, and by his share in their joint endeavours to mislead the public.

But the anonymous author seems to have something further to answer for than his adulation and acting as an accomplice of Mr. Williams;—he is alone answerable for the manner of dressing up the materials furnished to him by that associate.

There

There are however in one page of his book some symptoms of candour, where he states what may probably be the opinion passed upon him and his book by one part of the world—that part which he supposes will be partial to me.

Page 159, 160. He expresses himself thus: “ The respectability, Sir, “ of your character has procured you many friends, and, as I know, “ some ardent admirers; by these, but particularly by the latter, the “ whole strain and tendency of this letter will be deemed reprehensible: “ whatever may be said (they will observe) of my arguments, my mode “ of urging them is confident and pertinacious; my attempts at ridicule “ ill-timed and abortive; and, above all, the disrespect (as they will term “ it) is unjustifiable, with which I have treated a calm and candid adversary, “ under the ludicrous epithet of “ Heir-apparent and Representative of the “ Cardinal de York.” As to my review of the book, I suspect it is to “ meet with equally little indulgence—the whole will, in like manner, be “ declared a malevolent, or, at least, a presumptuous invective.”

These anticipations have probably been suggested to the author, from the secret consciousness of having merited the character here given of himself. But, from the sketch which he has thus drawn of the judgment likely to be pronounced by one part of the public on him and his work, it is evident, that even that part of the public judgment has not been completely revealed to him. It may not be improper, therefore, that he should, for his future regulation in similar cases, have the benefit of knowing that judgment a little more fully; for which purpose it may be of some use to him to be made acquainted with the particulars of a report received from some very intelligent persons who had been prevailed upon to read his book from beginning to end, for the double purpose of guessing at the author, and for that of giving an opinion upon the merits or demerits of the performance.

The persons who took the trouble of that examination did not pretend that they could discover or guess at the author; but they concurred in this sentiment, that the author appeared to have fixed upon the style which must have been the most agreeable to his own genius and taste, being that

which indicated a *genuine malevolence of heart*, and a *peculiar invidiousness of disposition*; from this, they conceive, was derived the uniform strain of sarcastic irony, and of unprovoked *petulance* and *flippancy*, which had been adopted and persisted in from the first to the last page of his performance; and which was not restrained even when he had occasion to allude to a lady of the most respectable character, but who stands too high in the general estimation and respect of all who have had the happiness of knowing her, to be at all affected by the author's pedantic attempt at wit.

They acknowledged, that the writer seems to have a particular talent for the style of writing he has adopted; but they did not think it a talent to be envied, because it is a style not difficult to be attained by any person, who has no restraints either from benevolence of disposition, or urbanity of manners, or from a scrupulous regard to truth; when to these qualities there is added the advantage gained by the author's concealing his name, he must feel himself totally liberated from that attention to decorum which arises from an author's addressing the public in his own name, and he will think himself at liberty to vent his ill-humour or misanthropy against all persons without distinction, and upon all or any occasions indiscriminately.

If a guess may be formed of the author's favorite amusements or habitual occupations, we should be tempted to think, that, for the gratification of an unfortunate temper, he dedicates his leisure hours to the composition of ill-natured, sarcastical sentences or dissertations on different subjects, from which impure collection he may have it in his power at all times to let loose his malevolence in any direction he pleases; which can easily be accomplished by the help of a few connecting introductory suppositions, as has been practised in the present case: for if the author is allowed to assume facts, and to take them for granted, it will not be difficult for him to gain admission for his ready made sentences or declamations on particular topics. In fact, there is hardly any part or portion of the spleenetic performance in question, and of the classical learning displayed in it, but what might have been made equally applicable to any other person, or to any other occasion.

Concerning
the Genea-
logical Sketch
of the House
of Bonkyl.

Before concluding, it may perhaps be thought incumbent on me to take some notice of the genealogical sketch of the house of Bonkyl, which the anonymous author has placed at the end of his book. This sketch, having evidently cost him some trouble, seems to be viewed by him with particular partiality and fondness. (Vide pages 138 and 139.)

I shall not attempt to deprive the author of that apparent satisfaction; two reasons restrain me from it; the one is, that the greatest part of that genealogical tree relates to the pedigree of Mr. Stewart of Alanton, as descended from Sir Robert Stewart, sixth son of Sir John Stewart of Bonkyl. But as I am ignorant of all or any of the descendants from that Sir Robert Stewart, not having seen any of those documents which had been shewn to the anonymous writer, I do not choose to say any thing either for or against those asserted successors of Sir Robert Stewart, any further than to refer to what has already been stated as to the *non-existence* of a Robert, son of Sir John Stewart of Bonkyl; which, if admitted, must cut up by the roots this luxuriant and well-stocked tree, with all its ramifications.

The other reason for my allowing the anonymous author to remain at present in the undisturbed possession of his genealogical tree, is, that I am really tired of pursuing him through such a variety of erroneous statements and unfounded conjectures; and were I to set about correcting the various errors in that genealogical performance, such tedious and irksome occupation would be very ill suited to my present state of health. This is a circumstance very generally known, and most probably not unknown to the anonymous author himself.

THE END.



E R R A T A

IN THE

GENEALOGICAL HISTORY.

- Page 11. line 19. *for* Ingeram *read* Ingelram
66. — 5. *for* He *read* John de Hamilton
68. — 23. *for* 1557 *read* 1357
145. — 12. *for* Cancellarius Bajocen *read* Chancellor of the diocese of Bayeux
163. — 7. *after* Robert *add* of Wyfton
188. — 3. from the bottom, *after* and *add* an exact copy of it
198. 199. 200.—The head-line of these pages, *for* John Lord Derneley *read* Bernard Stuart of Aubigny
204. — 20. *for* Brotius *read* Brutia (the Roman name of modern Calabria)
221. — 19. *for* Earl of Arran *read* Lord Hamilton
241. — 5. from the bottom, *for* reture *read* retire
243. — 23. *after* Scotland *add* in the year 1655
243. — 26. *after* Regent *add* who was slain in Linlithgow by Hamilton of Bothwellhaugh, in the month of January 1570
286. — 18. *dele after* Charles *to is in line* 19. *and instead read* born at Rome, on 31st December 1720, died there without issue on 31st January 1788, N. S. and Henry, the youngest, born on 6th March 1725
352. last line, *for* were *read* was
-

ERRATA IN THE SUPPLEMENT.

- Page 62. line 3. *for* lately *read* a little before
62. — 4. *for* it *read* they
63. — 21. *after* prisoner *add* my History
80. — 18. *for* retired *read* removed

